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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OBEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 2007.

I hereby appoint the Honorable DAVID R. OBEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord our God, down through the ages stories have grown in the retelling and legends have been handed down with little or no foundation in truth.

Many trace the icon status of Father Christmas coming from the Dutch Protestants in New Amsterdam in the American colonies as the story traveled back to England. All we truly know about St. Nicholas was his generosity and kindness toward children as a fourth century bishop in Myra, now a part of Turkey. By the ninth century his fame and devotion had spread throughout Europe. He remains a patron saint in Greece and Russia to this day.

On this feast of St. Nicholas, we ask Your blessing upon all children. May their stories be treasured, their hopes and dreams preserved, and their innocence protected from all violence, poverty, and exploitation.

May this joyous season help all of us remember before all else, we are first Your children, Father of us all, now and forever.

Amen.

THE JOURNAL

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

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

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

PLEDGE OF ALLEGIANCE

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

Mr. JEFFERSON 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 58. Concurrent resolution welcoming First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize up to five 1-minute speeches on each side.

RECOGNIZING THE ACCOMPLISHMENTS OF NBA COACH AVERY JOHNSON

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

Mr. JEFFERSON. Mr. Speaker, I rise today to congratulate one of Louisiana's favorite sons, NBA coach Avery Johnson, on the occasion of his receiving an honorary doctorate degree from his alma mater, Southern University, at its upcoming fall commencement.

Born in New Orleans, Avery Johnson has known success at every level of basketball. In 1983 he led the St. Augustine High School Purple Knights to an undefeated season culminating with a Class 4A Louisiana State championship. He would go on to star on the Southern University Jaguars basketball team, setting NCAA Division I records for both season and career averages in assists that still stand today.

In 1988, Avery Johnson began his career in the NBA, where he would spend 16 seasons. Once again he found success with the San Antonio Spurs by taking them to their first NBA title in 1999 over the New York Knicks.

Presently, Avery Johnson serves as the head coach of the Dallas Mavericks, where his star has only continued to shine brighter. Now in his third full season as coach, he has led the Mavericks to their first Western Conference title, been named 2006 NBA Coach of the Year, and won 150 games faster than any other coach in NBA history.

Through his high achievement in sports and service to the community, Avery Johnson continues to leave a mark on the world, of which we are all very proud.

FUNDING OUR VETERANS

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

Mrs. DRAKE. Mr. Speaker, this is day 67. That's 67 days since the start of the new fiscal year and our veterans still do not have access to the increased funding provided in a bill that passed the House and Senate months ago and the President is waiting to sign.

The House-passed bill includes increased funding to improve access to medical services for all veterans, new initiatives for mental health and PTSD, increased funds for improved medical facilities and increased funding to assist homeless veterans, to name a few.

If the Democrats are acting in good faith and in the best interest of our Nation's veterans, why continue to delay this crucial funding?

The Democrats have failed in their earlier effort to use funding for our veterans as a bargaining chip for billions in unrelated spending. Why continue to delay this bill?

There are few things more important than ensuring that this Congress provides all possible benefits and health care for our veterans. I'm calling on the Speaker to move this bill forward, and I call on all Americans to contact their Representatives and tell the Democratic leadership to send a clean veterans appropriations bill to the President now.

ENERGY INDEPENDENCE AND SECURITY ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Mr. Speaker, I rise today in support of the Energy Independence and Security Act before us later today. This landmark energy bill moves our Nation forward towards a new, brighter energy future. It promotes clean homegrown energy by requiring our utilities to produce 15 percent of their power from renewable energy by 2020. It reduces our dependence on foreign oil by raising fuel efficiency standards on our cars by 40 percent. With the price of oil nearing $100 per barrel, this will save consumers billions of dollars. And it saves energy through energy-efficiency standards and incentives like the effort I led to promote the construction of energy-efficient commercial buildings.

These policies will create new jobs and build new American industries, while reducing the greenhouse gas emissions that contribute to global warming. And it is all paid for by reclaiming $21 billion in taxpayer subsidies from the oil and gas industry.

I urge support of this fiscally responsible, smart new energy policy that embraces American ingenuity, innovation, and leadership and moves America forward towards a cleaner, more secure future.

HONORING THE LIFE OF JONI HERSCHEDE

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

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the life of Joni Herschede, a true icon of Cincinnati.

Joni understood the Second Congressional District. You see, she grew up in Portsmouth in rural southern Ohio, one of eight siblings. She came to Cincinnati in the 1960s where she met and married Mark Herschede. She will always be best known for her passion and generosity to this community.

Joni never forgot her humble beginnings. Whenever Joni got behind a cause or an issue, others always followed because they knew if you didn't follow, you might as well get out of the way because she would succeed.

It is nearly impossible to find an organization in southern Ohio to which Joni did not give her time or her energy. Her son Donald said, ''Mother wasn't happy unless she was doing something for someone else.''

Her true passion was the University of Cincinnati. As an avid Bearcats fan, Joni's hats and outfits always proudly displayed her beloved red and black. But that passion went beyond just trappings of her clothing. It went to the philanthropy that she did for the University of Cincinnati as well.

Mr. Speaker, southern Ohio and Cincinnati will always be grateful for the kindness that Joni showed to so many and to so many organizations, the arts, the zoo, education, and her beloved Bearcats.

Joni's life should paint a path for future generations. Joni's legacy of public service will not be easily surpassed.

May she rest in peace.

THE BUSH-CHENEY ENERGY POLICY

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

Mr. DEFAZIO. The Bush-Cheney energy policy has led America to a dead end, increasing dependence on imported oil and price gouging by big oil companies.

The new direction in energy policy to be considered here today puts America on a new path to energy independence and sustainability. It will be great for American consumers, saving billions at the pump; our businesses; our economy. And it will be great for the environment.

But it will be even better for millions of Americans in rural counties across

America. This bill also includes funding for critical county school payments. 780 counties in 42 States will get critical funding for law enforcement, search and rescue, and struggling rural schools.

My district, the Fourth Congressional District of Oregon, will avert a disaster if this legislation is adopted.

I thank the Democratic leadership for leading us in a new direction on energy and fulfilling their commitment to rural counties.

The ball was dropped by the Bush administration and by the Republicans. We're taking it up for all America here today by passing this bill.

THIRD ANNIVERSARY OF THE IMPRISONMENT OF AYMAN NOUR

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

Mr. WICKER. Mr. Speaker, this week marks the third anniversary of the imprisonment of Egyptian parliamentarian and presidential candidate Ayman Nour. He was jailed on charges of forgery during the 2005 presidential elections in Egypt.

Nour suffers from numerous health problems. He has been subjected to documented physical abuse and has been denied visitation rights afforded to other prisoners. His health condition continues to worsen.

Many Members of Congress stand in solidarity with Ayman Nour and respectfully call on President Mubarak to grant his unconditional release. December 10 is Human Rights Day, marking the anniversary of the adoption of the Universal Declaration of Human Rights. In honor of that day, the Egyptian Government should release Ayman Nour. This action would symbolize a recommitment to the inherent dignity of all people and to their equal and inalienable rights.

THE UNITED STATES POSTAL SERVICE

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

Mr. COHEN. Mr. Speaker, the United States Postal Service, and I use that term because that's their formal name, has announced that they're going to stop using, having vending machines at the post office. That means that Americans will not be able to go to the post office when they need to get a stamp this holiday season, tax time or whatever, and realize they need stamps and be able to go to the postal service to buy a stamp. It seems the U.S. Postal Service is taking service out of their name.

Older people can't just very easily decide to learn how to use the Internet or have an Internet and poor people don't either. The postal service says people can buy stamps online. They can call an 800 number. They can buy them by mail. But if you need something for an immediate postage, if you don't have the Internet, if you're old, and it's difficult to stand in line because you're handicapped or disabled, this is a great disservice to America.

They say the machines aren't working. Well, Federal Express wouldn't do something like this. They'd improve the machines or find a new machine. And if the machines didn't work at Coca-Cola, Coca-Cola would buy new machines.

The United States Postal Service should be for service and for the customer and maintain the vending machines. I'm preparing legislation, and I'll be sending a Dear Colleague out, Mr. Speaker, and hope all will join us in putting service back in the USPS.

□ 1015

THE TEDDY BEAR AND ISLAM

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

Mr. POE. Mr. Speaker, in the third world country of Sudan, the government is controlled by the religion of Islam. Religious hard-liners were successful in prosecuting a British first grade teacher for insulting Mohammed. She was sent to jail. Her crime: her 7-year-old students named a class Teddy Bear ''Mohammed,'' and that was supposedly an insult to the Prophet. The punishment could have been worse. She could have received 40 lashes. In fact, thousands of Sudanese citizens marched demanding the school teacher be executed for the insult!

Of course, the teacher never meant to insult Islam, but the truth was not an issue in her trial.

The Sudan, this is the same ''righteous'' government that is allowing ethnic cleansing and genocide of its own citizens in Darfur.

But thanks to two Muslim members of the British House of Lords who disagreed with the arrest, the school teacher, Gillian Gibbon, was pardoned after serving 8 days in jail.

This case is an example of what happens when government punishes people for violating a religious doctrine.

And, by the way, the Teddy Bear was originally so named to honor the great President Theodore Roosevelt.

And that's just the way it is.

SUPPORT THE ENERGY BILL

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

Mr. KAGEN. Mr. Speaker, I rise today to urge my colleagues to support today's energy bill. This is the change we need, for America needs a reliable energy partner, one that is home grown.

This bill restores our Nation's independence and will help to secure our future. It will also stimulate our economy and protect our environment. It will allow for clean, renewable energy and move us away from the dangerous dependency on Arabian oil. It will also decrease our imported oil by 2 million gallons per day. It will create jobs and strengthen our economy as we move towards efficient, clean, and renewable energy resources.

This bill answers the question whose side are we on. Do we stand with Big Oil and the past or do we stand with the future?

I stand with the future and will continue to fight to cut the price of energy and fight hard for the people of Northeast Wisconsin.

BUY PRODUCTS MADE IN THE USA

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, defective, unsafe products, toys with poisonous lead paint, American jobs going overseas lured by cheap labor and unfair trade practices, these issues concern every American. But all of us can take a stand this holiday season.

One way is that instead of judging products by cheap prices, look for quality and safety that comes with American products. This holiday season shoppers will be buying gifts made from all over the world, but let's make an extra effort to look for American products.

This Christmas check the label for ''Made in the USA'' and support jobs for hardworking Americans and American quality. ''Made in the USA'' may be the best gift ever this Christmas.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 6, ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 846 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 846

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the Majority Leader or his designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. During consideration in the House of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against consideration of the rule because the rule contains a waiver of all points of order against the bill and its consideration. Therefore, it is in violation of section 426 of the Congressional Budget Act.

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and the gentleman from Vermont each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: ''Will the House now consider the resolution?''

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, the Congressional Budget Office says that there are unfunded mandates in this bill, but we really don't know what's there because we got this thousand-page bill, thousand-page bill, just about 12 hours ago.

As we know, we have a House rule that says we are supposed to get a bill like this 72 hours before instead of 12. Common practice has been if you can't get 72 hours, then at least 24. We've cut that in half, just 12. And most of that was during the time when most of us were asleep. I can guarantee you that few, if any, in this body have read this bill; yet we are voting on it, a billion dollar bill that virtually nobody knows what's in it.

We do know, however, and that's the reason this point of order lies against the bill, there are unfunded mandates in the bill.

We also have rules with regard to earmarks air-dropped in a bill like this. It's not a conference report of an appropriation bill but an actual bill where they are dropped in at the last minute. The truth is, with a bill that's over a thousand pages long, we simply don't know what's in there; yet we are being told we have got to pass it, we've got to move this thing today. That's simply wrong.

I would like the assurance of those from the Rules Committee that there are no unfunded mandates in the bill or there are no earmarks that have been added to the bill.

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

Mr. WELCH of Vermont. Mr. Speaker, this point of order is really essentially about whether or not we are going to consider the rule and, ultimately, the Energy Independence and Security Act. In fact, I would say that it may well be an effort by folks who are opposed to the legislation to find a way to kill the legislation itself. We believe that this legislation should proceed.

The fact is that the other side had absolute control in this body or had a majority in this body for 12 years, enjoyed control in both bodies and in the administration for the past 6, for most of that 6, and did not come up with an energy policy that did anything other than raise the cost of oil, home heating oil, gasoline, increase our dependence on foreign oil, weaken our national security and contribute to global warming. This legislation is about changing the direction of American energy policy, and the issues that have been raised in this legislation are ones that have been debated outside of this body for several years.

The legislation now brings to this body for its consideration such topics as increasing fuel efficiency, energy efficiency, green buildings, cellulosic agriculture-based energy efforts that will be vital to the farm sector and rural sectors of our economy.

So we believe that the House is going to have an opportunity to vote on this point of order and reach its judgment about whether it wants to proceed on the important question of changing the energy policy in this country.

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

Mr. FLAKE. Mr. Speaker, I would gladly yield to the gentleman if he will answer the question if there are any unfunded mandates in this bill in violation of the rules, had the rules not been waived, or if there are any earmarks in the bill.

Would the gentleman answer that question? Are there unfunded mandates in the bill or any earmarks in the bill?

Mr. WELCH of Vermont. I am not aware of any earmarks in the bill. I'm completely unaware of any earmarks in the bill. There is CBO information suggesting that the unfunded mandates, which is a separate one, is not within any of the rule provisions as it applies to the public sector, maybe as it applies to the private sector.

Mr. FLAKE. I thank the gentleman.

Let me read from the CBO: ''These provisions also contain several private sector earmarks. CBO estimates that their aggregate costs would well exceed the annual threshold established in the Unfunded Mandates Reform Act for private sector mandates, $131 million in 2007, adjusted annually for inflation.

There is the answer to the question of unfunded mandates. They are in the bill. We're waiving those points of order so we can get around that.

I would suggest that at some point you've got to say, are we living up to the promises that were made at the beginning of the year?

Now, the majority has made a habit, and I don't blame them, of saying this is what you Republicans did while you were in the majority. That is true. Many of us stood here and raised these same points of order when our own party did it. I would love to see on the other side somebody stand up and say this is the wrong thing to do. If it was wrong when Republicans did it, it's wrong when Democrats do it.

With regard to earmarks in this legislation, nobody has been able to do anything more than a cursory read of a thousand-page bill that we got just 12 hours ago. But in the biofuels subtitle, we've found a university-based research and development competitive grant program. This grant will be for universities to conduct research and development of renewable energy technologies for ''trees dying of disease or insects infestation as a source of woody biomass.'' This grant is for universities that are near ''trees dying of disease or insect infestation as a source for woody biomass.'' That smells a lot like an earmark to me. It sounds like there is probably just one university, a particular university, or two that meet that qualification. That is certainly an earmark. And that's why these rules were waived again to get around that kind of thing.

The Democrats put in some good earmark rules at the beginning of the year, but your rules are only as good as your willingness to enforce them. And that's the problem here. We are not enforcing our own rules.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would ask the gentleman, if he would be so kind, I have been reviewing the bill since it was made available to us last night, and I was wondering, that earmark that he referred to, if he has any idea where it would be.

Mr. FLAKE. I have no clue.

Mr. LINCOLN DIAZ-BALART of Florida. I will continue looking, then.

Mr. FLAKE. Thank you. I know it's a very difficult thing. That is a very large bill.

That earmark is somewhere in here. We have no idea where. My guess is there are a lot more of them.

Let me just talk about one other one. Another questionable provision that looks like an earmark to me is a provision terminating the remaining portions of the New York Liberty Zone tax incentives program. The House-passed previous version of the energy bill gave New York a tax credit of $2 billion to build a rail line from JFK to Lower Manhattan.

□ 1030

The bill now purports to reduce the cost of the New York tax provision to $1.1 billion, but the result is only true thanks to some very creative drafting.

In fact, passage of the bill would still let New York keep a total of $2 billion of Federal taxpayer money, with at least $900 million of that coming between the year 2018 and 2019.

Again, that creative drafting is somewhere in this document that we got last night, 12 hours ago. And we're expected to go through this and make sure that it complies with the rules. Why are we doing this? Why are we doing this when we have very specific rules?

And as I mentioned, I was the first to commend the majority for putting in some good transparency and accountability rules in January. I felt they were better than what we did last year. But your rules are only as good as your willingness to enforce them, and there seems to be no willingness here. That's the problem.

So I would be glad to hear from the other side. I will retain my time and hope to hear an explanation of whether or not there are actual earmarks in the bill or unfunded mandates.

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

The SPEAKER pro tempore. The gentleman from Arizona has 3½ minutes remaining; the gentleman from Vermont has 8 minutes remaining.

Mr. WELCH of Vermont. I am going to yield to the gentlewoman from Florida (Ms. CASTOR). But before I do, I would like to thank the gentleman from Arizona; I would like to thank him for the good work that he has done on earmarks that he did when he was a member of the majority and now as a member of the minority.

But I would also remind the gentleman that, in fact, under the leadership of the current Chair of the Appropriations Committee, there has been a massive change in direction on earmarks. In fact, it's been a reason why some of the budget bills took longer than last year because there has been an exhaustive effort to go through and identify anything that can be called an earmark to allow Members who wish to address it to raise their points.

What I've said to the gentleman is that we are unaware of any earmarks in this legislation. And I appreciate your late-night work at finding provisions that, as you have presented them, you're characterizing as possible earmarks. I am aware of absolutely no earmarks.

The so-called unfunded mandate, there is language in a letter, Mr. Speaker, from the CBO that suggests that there may be a slightly above the threshold under the rule, but that's a decision that this body can make and will make. It's incidental, not significant, to the overall policy.

So having said that, I yield 2 minutes to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR. I thank my colleague from the Rules Committee, and I rise in support of the Energy Independence and Security Act and this rule.

Today, we break the stranglehold that Big Oil and the special interests have had over Washington, D.C. and over our country's energy policy.

We're going to hear many maneuvers today and protestations, delay, resistance, points of order because this is a fundamental shift in the Nation's energy policy.

The contrast between the policies of the past and our forward-looking bill could not be more clear. Remember just 7 years ago when the administration's Energy Task Force met behind closed doors? It consisted of oil executives, and the administration fought to keep everything secret. Renewable sources of energy were not a priority, the Earth's climate change was not a priority, and the recommendations involved more drilling, more mining, more of the same, which led to record gas prices for our families, and record profits for oil companies, and disastrous national security consequences.

In contrast, our ground-breaking effort today sets our country on a path towards energy independence, particularly from the Middle East and the most volatile parts of this world.

Better gas mileage for automobiles is the cornerstone of our bill. That alone will save families from $700 to $1,000 per year at the pump, and that is great news for our neighbors back home.

What has been missing is the political leadership and the political will to make this happen in America. So today we will cast aside the politics of the past and for the first time in decades set the right priorities for America. This bill repeals the subsidies to the big oil companies and instead invests in renewable energy and biofuels technologies.

And to the folks back home in Florida, whom I have the privilege to represent, we're going to demonstrate here today that there is no need to put our tourism economy and beautiful beaches at risk to more oil drilling offshore in the Gulf of Mexico. Instead, we're going to rely on American ingenuity and resourcefulness.

The status quo in Washington is not acceptable anymore, and we will chart a fundamental new direction on energy policy.

Mr. FLAKE. Mr. Speaker, the gentlelady's comments that we have finally removed special interests from the energy field with this bill, when you have a bill like this, I guarantee you it's full of special interest provisions, many of which we haven't discovered yet.

I mentioned you have one earmark in here, a grant for universities that are near ''trees dying of disease or insect infestation as a source of woody biomass.'' I would suggest it's probably one particular university in mind, or some special interest, that an earmark will be going to. The New York Liberty Zone provision is another special interest provision.

I would also make the point that this is technically not a conference report; there wasn't a conference. This is a House amendment to a Senate amendment to H.R. 6, if I'm not mistaken. What that means is the point of order that I would have liked to have raised against the provisions that may include earmarks in the bill doesn't lie against the bill because it's not a conference report, because it's a House amendment to a Senate amendment. That's another creative way to get around the rules that the majority themselves have put in place.

If you say that there are no problems with this bill, why are we waiving all points of order against it? Of course it's to hide things in it. People should be skeptical whenever they see something a thousand pages long, a thousand pages long that nobody, not anybody on the Rules Committee, not anybody anywhere has had the opportunity to read, 12 hours, 12 hours to read that. I don't think Evelyn Wood, with a speed-reading course, or anybody could get through this. And when the majority can simply say, We're not aware of anything, I mean, you can take the Fifth, you can plead the Fifth in court, but I don't think you can do it here. I don't think that that flies, certainly not outside of the Beltway. Certainly people around here should be skeptical of a multi-billion-dollar bill with special interest provisions rife throughout it that we've had 12 hours to review before voting on.

When all the majority can tell us is, We're not aware of things in there, let me remind the majority that we had an instance earlier this year, or several instances, where the chairman of the Appropriations Committee signed off on an appropriation bill saying, There are no earmarks in this bill, which prevented us in the minority from actually lodging a point of order against the bill, after Members had already issued press releases claiming credits for their earmarks in the bill.

So clearly you can pass some good rules, which you have, but you have got to enforce those rules, and they're not being enforced here. That's why we should uphold this point of order and not move forward and proceed with this bill. You cannot put a thousand-page bill, give it to us with 12 hours to review, with problems rife throughout it, and not have problems.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, this bill has been a long time coming. As a freshman Member of this body, I am proud to rise in support of the rule and this energy legislation that will make significant strides in our effort to address global warming, save our families money on their energy bills and at the pump, and bolster our national security by mapping out a more energy-independent future for our country.

This energy bill includes a long overdue increase in CAFE standards and improves vehicle efficiency standards to 35 miles per gallon by 2020, the first

increase of this kind since 1975. This significant increase in vehicle emission standards will save American families between $700 and $1,000 per year at the pump, reduce oil consumption by 1.1 million gallons per day by 2020, which is one-half of what we currently import from the Persian Gulf. And these new standards will reduce greenhouse gas emissions equivalent to taking 28 million of today's average cars and trucks off the road.

Science tells us that CAFE increases are possible and necessary, and we must implement them now. And while implementing necessary environmental protections, this legislation will preserve tens of thousands of American manufacturing jobs in places like Avon Lake, Ohio, where my constituents produce passenger vans.

This bill will provide our auto manufacturers domestically with the tools and incentives they need to produce the vehicles of tomorrow here in the United States, keeping jobs at home, and allowing us to all move forward together. Keeping high-paying auto manufacturing jobs in this country will in turn help retain hundreds of thousands of related jobs in the electronics, steel, textiles, glass, plastics and rubber, and countless other sectors that produce auto parts, while also laying the groundwork for jobs in the future.

The American people have spoken loud and clear that we cannot turn a blind eye to the crisis of global warming and astonishing gas prices squeezing the budgets for our working families.

I urge support for the rule and the bill.

Mr. FLAKE. Mr. Speaker, I would like to reclaim my time.

The SPEAKER pro tempore. The gentleman from Arizona has 30 seconds remaining.

Mr. FLAKE. Let me just make one point with regard to special interests, that they have been removed from this process. Because we were trying to get copies of this legislation and couldn't yesterday, we couldn't get it from the majority, so many of the Republicans were actually getting excerpts and pieces of this legislation from firms along K Street, from the special interests themselves. They seemed to have copies before we in the majority did. There is something wrong with this process. We only get it last night from the majority, but we were getting it yesterday from special interests downtown who already had copies of it, or portions, at least.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WELCH of Vermont. Mr. Speaker, may I inquire as to how much time we have remaining on our side.

The SPEAKER pro tempore. The gentleman from Vermont has 2½ minutes remaining.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise in strong support of this legislation, the bill, H.R. 6, and also on the rule.

H.R. 6, as you know, will lower energy costs, strengthen our national security, and reduce global warming emissions, and create what I say are ''green collar'' jobs. Major investments in renewable energy could create over 3 million jobs in 10 years. It would also eliminate the outsourcing of good-paying jobs.

Here I am in a classroom in East Los Angeles. If we have the political will to do this now, why can't we put our money where our mouth is and help the American public better understand that this new technology, the greening of our country, should be made available to everyone? Leave no one left behind, whether in the Bronx, whether in East Los Angeles, across this country. There is a whole new wave of emphasis and trust and hope that we here in the Congress are going to do the right thing.

I don't have any earmarks. I know my staff has worked very diligently with our committee and as a member of Energy and Commerce to see that we do the right thing. We spent laborious hours working on this legislation.

I ask for Members to support the bill and the rule.

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

I want to thank the gentleman from Arizona for his comments and his arguments here on this point of order, and also for the work that he has done.

I happen to believe that process does matter, but I also think substance matters, and they have to go together. Ideally, when we're working in a perfect world, they do. But one of the major reasons that we don't have an actual conference committee report is because our friends in the other body refused to go to conference, refused, refused to go to conference to discuss our energy future, Mr. Speaker. How is that right? Is that a proper use of process?

The reason we are here and the way that we're here is because there has been a decision made by the majority of the American people that they want a new energy policy, and the basic question for this body is whether we want to give that new energy policy or we don't.

The best process is going to get the best bill, but it takes cooperation on both sides. And if we have, in the other body, a refusal to even go into conference, it leaves leadership in this body with a single choice: do nothing and capitulate, or move ahead.

On this question of earmarks, we have given you as much assurance as we can possibly give you that there are not earmarks in here. We have the CBO letter about so-called unfunded mandates in the private sector. That's going to be a decision for the body.

I urge all Members to vote ''yes'' on this motion to consider.

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

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

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

Mr. FLAKE. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the question of consideration will be followed by a 5-minute vote on suspending the rules and passing H.R. 3505.

The vote was taken by electronic device, and there were—yeas 214, nays 188, not voting 29, as follows:

[Roll No. 1134]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
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
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
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
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
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)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
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
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters

Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
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
Coble
Conaway
Crenshaw
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
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
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
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Stupak
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 (FL)

NOT VOTING—29

Baird
Bishop (GA)
Carson
Clay
Cole (OK)
Cubin
Culberson
Engel
Fattah
Feeney
Hinojosa
Hooley
Jindal
Johnson, E. B.
Kaptur
Lewis (GA)
Lucas
Lynch
Miller, Gary
Moore (WI)
Myrick
Nunes
Oberstar
Ortiz
Paul
Platts
Souder
Weiner
Young (AK)

□ 1107

Messrs. GILCHREST, BURTON of Indiana and MCHENRY changed their vote from ''yea'' to ''nay.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECURITIES LAW TECHNICAL CORRECTIONS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3505, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3505, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 27, as follows:

[Roll No. 1135]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
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
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
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
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
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
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, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
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
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—27

Baird
Carson
Clay
Cole (OK)
Cubin
Culberson
Engel
Fattah
Feeney
Hinojosa
Hooley
Jindal
Johnson, E. B.
Kaptur
Lucas
Lynch
Miller, Gary
Moore (WI)
Myrick
Nunes
Oberstar
Ortiz
Paul
Platts
Souder
Weiner
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining in the vote.

□ 1116

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 6, ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

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

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN 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 be given 5 legislative days in which to revise and extend their remarks on House Resolution 846.

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, House Resolution 846 provides for consideration of the Senate amendments to H.R. 6, the Energy Independence and Security Act. The rule provides for a motion by the majority leader to concur in the Senate amendments with the House amendments printed in the Rules Committee report. The rule provides for 1 hour of general debate, controlled by the majority and minority leaders, or their designees.

Mr. Speaker, many Members of this body have worked long and hard to change the direction of energy policy in this country. I can't mention them all, but I would be remiss not to pay special acknowledgment to the Speaker, to Mr. DINGELL, and to Mr. MARKEY.

Mr. Speaker, this House in a very short time will have an opportunity to turn the page on generations of energy policy. Perhaps the best way to characterize what has been the U.S. policy on energy is captured by looking at a photograph that serves as a metaphor. What it shows is the United States hand in hand with OPEC producers, on whom we have become increasingly reliant and dependent, pursuing an energy policy of drill-and-drill, consume-and-consume, spend-and-spend; all with ever-escalating and budget-busting expense inflicted on our families and businesses; all with reckless denial, reckless denial, to the environmental damage that we are doing by this policy to the Earth we all share; and all with cavalier disregard to our national security by depending on regimes that are not our friends.

Mr. Speaker, this bill brought before you does two fundamental things in changing the direction of energy policy. It says that we are going to consume less by taking practical steps, long overdue, to increase mileage standards, to allow American families going to and from work, picking up their kids, going to daycare, bringing them to soccer games, to travel in safe vehicles manufactured by American workers that get 40 percent more miles per gallon. Mr. Speaker, that will save the average American family $700 to $1,000 a year.

Second, by making a strong national commitment to renewable energy, to having energy that we produce, that we keep our American dollars and our American jobs here at home, and by investing in cellulosic ethanol, wind and solar and technologies that have shown promise to give us the energy we need, the jobs we require and the environmental improvement that is essential, this turns the page on what has been an overdue time for change in our energy direction in this country.

Mr. Speaker, the current system just ain't going to work. The ever-escalating cost to our families is not sustainable. In December of 2002, the price of a gallon of gas was $1.48. Today it is about $3.09. Five years ago it cost an average Vermont family about $600 to heat their home during the winter. It is over $1,500 to $2,000 now.

The environmental damage is indisputable. With 4 percent of the world's population, we are still consuming about 20 to 25 percent of the world's energy, and we generate roughly 6 billion tons of carbon dioxide into the air each year.

Mr. Speaker, we can't afford to be sending so many American dollars abroad; $500,000 every minute from the pockets of American consumers and American businesses go to countries that provide us with the oil that we need, when they are not particularly good friends of ours. That is $500,000 every minute, $30 million every hour, $5 billion every week.

This energy bill turns the page from a country that has been excessively dependent on oil consumption to a country that is going to be self-confident in its people, in its resources and its ingenuity, to take on the energy challenge and turn it into energy opportunity.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from Vermont, my friend, Mr. WELCH, for the time, and I yield myself such time as I may consume.

Mr. Speaker, fairness, openness, sunshine, transparency, bipartisanship, those are just some of the words the new majority used to describe the way they were going to run the 110th Congress. Today, just as we have seen during much of the new majority's stewardship of the House during this year, those have been, at best, hollow promises.

The rule we are considering is being called something similar to a standard conference report rule by the majority. Now, Mr. Speaker, normally considering a conference report under such a rule would not cause much controversy, but this is not a conference report. It never went through the usual conference process. The majority never named conferees, never held a conference meeting nor gave the minority the chance to offer a motion to instruct conferees.

Last night in the Rules Committee, we met until late. We heard from our friends on the other side the aisle that, well, it is not a conference report because Republicans in the Senate didn't want a conference. But Mr. BARTON was there. He is, as you know, the ranking member of the Energy and Commerce Committee, and he said ''I certainly wanted to be part of it. I wanted to be part of the conference.'' So, again, the blame was on the Republicans, even though, last I heard in November, it was the Democrats that won the majority in the House and in the Senate.

During their campaign, the new majority promised that they would allow for regular order for legislation. They even put their campaign promise in a book called ''A New Direction for America,'' and yet they have consistently broken their campaign promises. And today is no exception.

Now, the rule specifically breaks two promises made by the majority during the campaign. First, they said in ''A New Direction for America,'' ''House-Senate conference committees should hold regular meetings at least weekly of all conference committee members. All duly appointed conferees should be informed of the schedule of conference committee activities in a timely manner and given ample opportunity for input and debate as decisions are made toward final bill language.''

Now, why is it important, this difference between a conference report and what is being brought forth today? Again, the majority is saying that because the Senate couldn't go to conference, they were using this procedure in lieu of a conference, of a real conference.

Now, debate is structured like a conference report, and they are trying to argue that we are treating this bill like a conference report. But here is how this process differs: Republican Members were never given an opportunity to review the entire text, as conferees would have been; this bill is being considered with less than the 24 hours promised by the new majority for conference reports; there is no list of earmarks in the bill, as would be required in a conference report; and there is no list of air-dropped earmarks, as would be required in a conference report.

That is why it is important, what we are dealing with. It seems somewhat technical, but it is extremely important that a mechanism is being used that has circumvented the conference process. Circumventing the conference committee not only blocks Members from debating and amending the legislation in the committee, but it blocks the minority from using one of the few legislative tools at our disposal, which is, obviously, as I have said, the motion to instruct conferees.

Mr. Speaker, the one time we considered such a rule in the 109th Congress,

my colleague on the Rules Committee, Mr. MCGOVERN, closed his speech opposing the rule by saying things would be different under the new majority. I think his words are particularly relevant today. He said, ''We should have a more open process. We should have regular order. We should have hearings. We should have committee markups. We should do this the right way. I hope that in the next Congress that we will set a new standard, one that we can all be proud of, Democrats and Republicans alike.''

Well, as I said, I think those words are particularly relevant today, because they point to the vast difference between what was promised and the reality of the performance of the majority in this Congress, and we are already 1 year into that performance of the new Congress.

□ 1130

Mr. Speaker, this is not regular order, certainly not what the majority promised. I urge my colleagues to oppose this transparent procedural ploy so that we may have a full and open debate on this critical issue of importance to the Nation.

I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

This is a historic debate. This is a historic day in the history of the United States. Today, we debate energy independence and global warming for the first time in a serious way in our history. This legislation will accomplish things that will send a signal to the world.

In this bill, we will increase the fuel economy standards of the vehicles Americans drive from 25 miles per gallon to 35 miles per gallon. We will produce enough ethanol and cellulosic fuel that we can substitute for oil that by the year 2030, when both provisions are completely implemented, we will be backing out twice the oil that we import on a daily basis from OPEC, from the Persian Gulf. What a signal to OPEC, twice the oil from the Persian Gulf eliminated in one vote.

And, at the same time, because of the efficiencies in light bulbs, in heating, in cooling, in furnaces, in all appliances, in buildings, in homes, we will in this one vote meet 35 percent of our entire goal by the year 2030 in reducing greenhouse gases to protect the planet from global warming. We will meet in this one vote 35 percent of the entire goal between now and 2030. What a moment for this Congress.

It will unleash a technological revolution in new technology so that, rather than importing those technologies, we will be exporting those technologies. It will send a signal to our consumers that we are not going to stand by and allow them to be tipped upside down and have money shaken out of their pocket by OPEC as the price of oil has gone from $26 a barrel in President Bush's first year in office to over $90 a barrel today. Every week, the American consumers send $5 billion overseas to OPEC and other countries; $5 billion a week.

This bill today is really a signal to OPEC that we now mean business. And it is a signal to the rest of the world that we are serious about global warming, and it is a signal to our citizens that we are going to begin to create those new green jobs in our country so that we can produce the products that are going to revolutionize the energy sector.

So make no mistake about it as you cast this vote, my colleagues, you are casting the most important energy and environment vote of your career, and you will be remembered for this vote. So I ask you to give a signal to the American people that this Congress, when the Republicans took over in 1995, imported 43 percent of its oil; now we import 61 percent of our oil. It just keeps going up and up and up. So if we are to turn a corner historically and to engage these issues of energy efficiency, these issues of energy independence, these issues of global warming, this is the vote. One vote, later on today. I urge an ''aye'' vote by all of the Members of this body.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, if this were the serious effort that our distinguished colleague has just mentioned, the majority would permit amendments, would permit discussion, would permit a conference on this critical issue, if it were the serious effort that has been described by the previous speaker. Instead, we see a process to shut out debate, to shut out amendments, to shut out ideas. That is not the serious effort just described.

I yield 3 minutes to the distinguished colleague on the Rules Committee, Mr. HASTINGS of Washington.

Mr. HASTINGS of Washington. I want to thank my friend from Florida for yielding me the time.

Mr. Speaker, I rise in opposition to this closed rule as was described by my friend from Florida that allows not a single amendment to be offered on the floor of the House today and in opposition to the underlying bill.

Mr. Speaker, this bill won't become law, and it shouldn't become law. Its priorities are all wrong. It won't lower gas prices; it is going to increase them. It totally ignores nuclear power as a non-emitting energy source. It totally ignores hydropower as a clean, non-emitting energy source. It raises taxes by unknown billions. And, Mr. Speaker, it gives a tax credit to people for riding their bikes to work. I am sorry, but gas prices and climate change aren't going to be fixed by making people ride their bikes to work.

This isn't a plan to make America energy independent and to free us from foreign oil. It is just a dream for the political left in this country. And let me repeat, Mr. Speaker, it raises taxes, it is anti-nuclear and anti-dams, it forces people out of their cars, and gives tax credits for riding their bike to work.

Mr. Speaker, I want to address an issue, the Secure Rural Schools issue. And you might ask, why do I want to address that issue, because it has nothing to do with energy. And that is a very good question. It has nothing to do with energy, but it is in this bill. It is another cynical way the Democrats have approached this issue.

Time after time this year, Democrat leaders have attached Secure Rural Schools to bills they know will never become law, like this bill, and blocked attempt after attempt to put it in bills that will become law. The way this bill is written, it abandons our rural schools and communities and it moves in the program.

Don't take my word for it. Just last Tuesday, Speaker PELOSI told the Oregonian newspaper in Portland, Oregon, during a visit to Portland that ''where we go from here is to see how we can phase this system out.''

Mr. Speaker, I submit the full text of the article for printing in the RECORD.

[From the Oregonian, Nov. 28, 2007]

PELOSI SAYS HEALTH CARE CHANGE CAN START HERE

(By Harry Esteve)

Oregon could become a leader in the drive to establish centralized computer health records for everyone who gets medical care, U.S. House Speaker Nancy Pelosi said Tuesday in Portland.

Pelosi, D-Calif., stressed the importance of records as a way to save billions of dollars in health care costs, reduce medical mistakes and ensure better care in rural communities.

''Electronic records are essential to improving health care,'' Pelosi said. ''This is the future. I see Oregon taking the lead in that future.''

Pelosi made her comments after holding a round-table discussion with a group of medical experts, hospital administrators and elected officials, including U.S. Rep. David Wu, D-Ore., and Gov. Ted Kulongoski. The discussion, held at Oregon Health & Science University's South Waterfront office tower, was closed to the media.

Pelosi's visit to Oregon was part of her ''innovation agenda,'' an effort to boost technological progress, such as more broadband access and alternative energy systems, and to increase the number of scientists, mathematicians and engineers coming out of U.S. schools.

At the same news conference, Kulongoski announced the state has received a $20 million federal grant to install broadband cable at rural hospitals and clinics throughout the state. The grant, from the Federal Communications Commission, would allow a doctor in a remote part of the state to send a digital MRI image to a specialist at OHSU Hospital, for example.

Kulongoski said the grant and Pelosi's initiative are part of a widespread movement toward better communication in the health care industry. He said he saw a recent study that showed savings of $1 billion in Oregon alone if electronic health care records were in place.

In Oregon, as with much of the country, recent attention on medical issues has focused on the escalating cost of health care and the rapidly rising number of uninsured or underinsured.

After talking to reporters for about five minutes, Pelosi answered two questions. One was about the trade-off between her goal of improved record-keeping and efforts to make health care more affordable to everyone. The other was on an unrelated topic: federal timber payments to Oregon counties.

Pelosi said the push for centralized medical records would not take away from efforts to give health coverage to millions of people who lack it. Medical experts say the ability to transfer records with ease is as important as other medical breakthroughs, such as new medicines or therapies, Pelosi said.

''We're not talking about this as some kind of elitist thing for people who already have health care,'' Pelosi said. ''We're talking about it as essential.''

Pelosi all but brushed off the question on timber payments. Oregon's congressional delegation has been pushing to keep federal payments to counties that used to receive millions of dollars from logging on national forests.

That program expired, although Congress passed a one-year extension this year.

''Where we go from here is to see how to phase this system out'' over the next few years, Pelosi said Tuesday.

Mr. Speaker, the Democrat leaders of this House need to stop with these false promises regarding rural schools. Let's get serious. Let's keep the promises that were made, the full promise, not one that dwindles towards nothing. Let's get it done as relates to rural schools in a responsible way before the year ends and before this program expires.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, we stand today on the verge of a new energy horizon, one that promises a more secure America, an America with thousands upon thousands of new manufacturing and high-tech jobs, an America with lower and more stable energy prices, an America at long last responding to the threats of global warming. But this America will only be realized by ushering the legislation before us into law.

This bill reflects a bold vision, a vision to respond to many of the gravest threats facing our Nation, a vision befitting the United States Congress, the world's greatest deliberative body.

There is much to laud in this legislation. This bill would increase American energy independence, strengthen national security, lower energy costs, grow our economy, and create new jobs, reduce global warming. Now, the focus on the renewable electricity standard provision: a Federal RES is long overdue, and I thank you for your commitment to this provision. Thank you to my Democratic and Republican colleagues who joined me in offering this amendment in August and to the 220 Members who supported its passage.

In closing, I would like to remind my colleagues that we are not here to defend the status quo; we are here to lead. We are here to ensure America's standing as a model of ingenuity, creativity, cutting-edge thinking, and revolutionary ideas. Failing to usher this legislation into law I fear will threaten that standing.

The renewables revolution which we will be ushering in through this bill and the RES provision is good for business, it is good for the environment, and it is good for the security of our Nation, and I urge my colleagues to support it.

Mr. Speaker, today, we stand on the verge of a new energy horizon. One that promises a more secure America. An America with thousands upon thousands of new manufacturing and high-tech jobs. An America with lower and more stable energy prices. An America at long last responding to the threats of global warming.

But this America will only be realized by ushering the legislation before us today into law.

This legislation reflects a bold vision. A vision on the scope needed to respond to many of the gravest threats facing our Nation. A vision befitting the United States Congress, the world's greatest deliberative body.

There is much to laud in this legislation. The first increase in CAFE requirements in over 30 years, which will save American families an estimated $700 to $1,000 per year at the pump. An historic commitment to American biofuels that will fuel our cars and trucks.

And, of great importance to me and my constituents, the inclusion of a renewable electricity standard. An RES, as it is known, requires electric utilities to generate 15 percent of their electricity through renewable resources and energy efficiency measures.

I would like to thank the Speaker in particular for her commitment to this provision, the several colleagues who joined me in offering this as an amendment in August, and the 220 Members who supported its passage at that time.

Opponents of an RES claim that it would increase electricity costs for consumers. Study after study has shown the contrary. It has consistently been found that a strong Federal RES could actually save American consumers money. A recent study conducted by the Union of Concerned Scientists found an RES would save consumers $13 billion to $18.1 billion on electricity and natural gas bills cumulatively by 2020. In March, the energy consulting firm Wood Mackenzie projected that consumers would save more than $100 billion with an RES in place. They also found that with more diverse energy sources and a decrease in fossil fuel consumption, reduced demand for natural gas would lower prices by as much as 20 percent by 2026.

And while consumers are saving money, a Federal RES also helps make our Nation safer and less dependent on foreign sources of energy. Almost all new electricity generation in the last decade has been fueled by natural gas. The biggest sources for future natural gas supplies are Iran, Russia, and Qatar, which together hold 58 percent of the world's natural gas reserves. Increasing the production of domestic energy from biomass, solar, wind, and other renewable sources helps us reduce our dependence on foreign countries, thereby securing America's energy independence.

The requirements under this RES start modestly, and increase gradually. It includes many provisions both to help utilities meet the requirements, and to reward those utilities that meet the requirements ahead of schedule. It allows States, many of whom have moved far ahead on this issue, to have standards that are more rigorous. It has support from the business community, the labor community, the faith community, and the environmental community.

It is an idea, Madame Speaker—like all included in this legislation—whose time is long overdue.

My colleagues, we are not here to defend the status quo. We are here to lead. We are here to make the difficult decisions necessary to ensure America's continued standing as a model of ingenuity, creativity, cutting edge thinking, and revolutionary ideas. Failing to usher this legislation into law will, I fear, threaten that standing.

Passing this legislation today should not be considered one of the difficult decisions we have to make. And to those for whom it is a difficult decision, I urge you to join me and the millions of Americans across the country who recognize that the renewables revolution is good for business, is good for the environment, and is good for the security of our Nation.

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

Mr. BOUSTANY. I thank the gentleman for yielding.

It has been almost a year now, and we have had a lot of discussion throughout committees and so forth on a number of areas that would promote green technology, and I want to say that I share your commitment. I think it is critical that we move in that direction. CAFE standards are good. Improving better gas mileage for our vehicles is a good thing. Unleashing American ingenuity is a good thing to solve our energy problems. But we should not be picking favorites. This Congress should not pick favorites at the outset with the new development of all these technologies. We need to be technology neutral in this approach, and this bill does not do that. It seeks to pick favorites, and it also does a number of things that would be devastating to our oil and gas industry as it exists today.

Let's be truthful with the American public. We are not going to see energy independence in the short term. We have to manage strategically our energy dependence. The provisions, such as getting rid of the 6 percent domestic manufacturing deduction for our oil and gas companies and our refineries would be devastating to our industry. Getting rid of the foreign tax credit provision as applied only to oil companies is going to be devastating. This will deny the ability of our oil companies to deduct their foreign taxes, in effect creating double taxation on our companies.

What does this mean? The big companies are the ones that have the technology to drill in deep water, to improve our supply; the smaller companies partner with them. If the big companies can't do it, smaller companies

won't be able to do it. And what are we going to do in the short term? The green technology that we all want is not there yet. So we have to strategically manage our dependence, and this bill will actually increase our dependence on foreign oil based on a number of these provisions. There is nearly $13 billion in new taxes on our oil and gas companies. This is critical. This is going to hurt our energy security.

So for these reasons, I oppose the rule and I oppose the underlying bill. Let's work in a bipartisan way to get a good piece of energy legislation.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, there are three critical priorities that this Congress faces: our independence from foreign oil sources, addressing global warming, but also American competitiveness. I believe that solar energy technology offers one of the best solutions to challenging these great, great problems that we have.

Now, as the House takes up this energy independence bill, I commend the commitment that this legislation makes to solar energy. This bill authorizes new research and development into solar technologies. The bill authorizes programs to help train a qualified solar workforce to install and maintain these technologies, not just in Arizona, but across the country. This bill also contains some tax incentives from my Renewal Energy Assistance Act that will help solar become more affordable, not just to homeowners, but also to businesses. This is what is so critical to spur the innovation and investment that is vital to the creation of our reliable solar market for the country, not just Arizona. But with over 350 days of sunshine every single year, it is critical that we harness the power of the sun.

I urge my colleagues to support this bill.

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

Mr. SULLIVAN. Mr. Speaker, I rise today to wonder how Congress could possibly consider addressing an energy bill that has no energy in it.

The House is considering energy legislation which does nothing to expand domestic energy production, develop nuclear or coal-to-liquids technology, and only increases our Nation's dependence on foreign oil and hurts American jobs and the economy.

While promoting the use of alternative energy is a worthy and long-term goal, by mandating and increasing renewable fuels 36 billion gallons by 2022 without concern to the fact that this technology does not exist today and with almost no consideration of cost or price to consumers, it is not the right direction for our country or the Nation's energy industry.

□ 1145

In addition, the renewable portfolio standards mandates in this legislation, which only nine States can currently meet, can increase the cost to Oklahomans by a whopping $900 million.

Given our country's current energy needs and our long-term goal of energy independence and security, it is imperative for us to increase our domestic production of crude oil and natural gas while exploring innovative and renewable energy technologies.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, the American people are painfully aware that the 110th Congress inherited a failed energy policy. They feel the pain at the pump, they feel the pain in their heating bills, and they know our country is dependent on foreign oil. They know that is dangerous for us. They know that the oil will run out some time, and they know that fossil fuels are damaging our environment and causing health problems. They know that Congress has not increased miles per gallon standards for 32 years.

Now Americans want to know what Congress is going to do. Americans want to know if we are going to continue to fiddle, to delay, to stall, as some in Congress wish to do, or will Congress be bold and show leadership?

This 110th Congress must confront these problems or history will judge us harshly. The leadership is here. The time is now. The bill is good. I urge my colleagues to step up and forward into our future by voting ''yes.''

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

Mr. BRADY of Texas. Mr. Speaker, last November Democrats looked the American people in the eye and they promised, they promised they would lower gas prices and become energy independent. Instead, gas prices are almost a dollar higher at the pump and America is more dependent on foreign oil than ever.

This new Democrat Congress has failed miserably; unless, of course, you count promoting energy-efficient light bulbs and threatening to sue OPEC, for whatever that is worth.

To be fair, there are good things in this bill, such as increasing gas mileage for cars and trucks and extending Republican tax incentives to encourage more energy-efficient technology and more renewable energy such as solar, wind, biomass and geothermal.

But this bill is disappointing because it launches yet another attack on Texas and American energy producers who are trying to create jobs and explore for new energy here in America. It also cripples the emerging biodiesel industry which is important to the Nation as we seek alternatives to gasoline.

Let me tell you this: OPEC is going to love this bill. OPEC is going to love this bill, but families who are going to pay more at the pump and pay higher electric bills at home are going to hate it. Thank goodness this bill is dead on arrival in the Senate.

We need more energy, a balanced approach, not more higher gas prices and higher electric prices. This bill deserves to be defeated.

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

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy, his leadership on this bill and for yielding me this time.

Listening to the debate here on the rule, as I sat through the hearing last night in the Rules Committee, I am, frankly, more than a little disappointed in the discussion that has taken place.

First of all, this is a very large and complex bill, but the vast majority of this bill has actually already passed the House at least once, some of it twice. We have had 11 committees that have been involved in this process. It has not somehow been ''sprung'' on people. There is a large stack of paper that represents the bill, as is the case in most complex legislation. But most of it is familiar to the staff. It is familiar to the Members, if they choose to have been involved with this issue. It has been here before.

The process that has taken place is not one that we would have desired, but the Republicans in the Senate decided that there would not be a conference committee. But there has been a process that has gone on which I don't think it has been fairly characterized, frankly, where there has been extensive back-and-forth, where House and Senate staff committee members from the various jurisdictions met since September, have met in the same room going over these details. And, in fact, you can verify this is you talk to staff members on both sides. Republican staff members have been able to influence what has been going on here. Indeed I think majority staff members will acknowledge positively the technical expertise that has been provided and print out changes Republicans have influenced. But all of that is sort of swept away and ignored. That is wrong.

Fundamentally, we want to talk about what we are for. This deals with a significant increase in CAFE standards. There is lots of new energy here because we focus the alternatives on the energy sources that need tax support. And we pay for it, although it is scaled down from what has already passed the House. I think people ought to look at the RECORD.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to a distinguished leader on the issue of energy in this Congress, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Just yesterday, OPEC told the world that $90 oil is okay and they won't be increasing production. They want $100 oil. They want more.

Now, on the surface, Americans will say, Thank God. We have a Democrat energy bill coming to help us as energy prices continue to skyrocket as we move into the cold winter months. However, what hope does H.R. 6 actually give to young families with high home heating costs? Unquestionably, nothing.

What hope does H.R. 6 bring to poor folks living in rural and urban America that struggle to afford fuel to travel to work, to drive their kids to school and do Christmas shopping? Absolutely nothing.

What relief does H.R. 6 bring to seniors living on fixed incomes who struggle to make mortgage payments and stay warm? Absolutely nothing.

What does H.R. 6 do for rural and urban seniors who kept their thermostats at 58 degrees last winter with temperatures below zero because that is all they could afford? Nothing.

What does H.R. 6 do to prevent the tragedy that happened in my district last year when an elderly gentleman living alone tried to keep warm on a subzero night by putting coal in his wood-burning stove and perished when his modest home burned? It does nothing to prevent that.

What does H.R. 6 do for small business owners and manufacturers who happen to be high energy consumers to remain competitive and be able to keep America's best jobs here? It does nothing.

What does H.R. 6 do to the large manufacturers who have to compete in the global marketplace and provide jobs for middle-class America and compete against countries with cheap labor and cheap energy? It does nothing. In fact, it will continue to push more jobs offshore to countries like India and China where energy is cheaper and more accessible.

The working men and women of America who struggle to heat their homes and travel to and from work deserve action from this Congress. We need to provide them with available and affordable energy not 4 years from now but today.

Yes, Congress is the reason we have the highest world energy prices because we have continually locked up our abundant supplies of gas and oil and coal, increasing our dependence on unaffordable, high-priced oil and gas from foreign countries.

H.R. 6 is not an energy bill. Efficiency standards, conservation and renewables are vital to our future, but they are 4 and 5 years down the road before they provide energy. Americans need energy now, not tomorrow. We have the highest prices in the history of this country; and folks, I am going to tell you, they are going higher. The height has not been reached. We are going to have more than $100 oil because OPEC is in control because we have decided that we are not going to produce energy for America; we are going to buy it from those who are holding us hostage. This bill has some good futuristic parts, but nothing in the next 5 years to heat and cool this country and allow Americans to drive to work affordably. We need an energy bill.

I challenge the bill Democrats, let's do a bipartisan bill and let's argue the points. Let's bring affordable energy to America.

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

Mr. INSLEE. Mr. Speaker, every revolution has a start. May 25, 1961, John F. Kennedy, with full confidence in Americans' ability to innovate, said we are going to go to the Moon in 10 years.

Skip ahead a few years, December 6, 2007, the day we are starting a clean energy revolution to give America economic growth through technological progress, and that progress is happening all across America. In every State, that progress is going to take place, because this bill is going to help innovators.

Let's take a quick run-through where: In Michigan, where General Motors plans on building the plug-in hybrid that you can drive 40 miles with zero gasoline and get 100 miles per gallon with batteries designed in Massachusetts.

In Florida, California, Arizona, Mississippi, a whole host of States, where the Ausra Technology Company has designed a solar thermal process to make C02-free solar energy within 10 years to be competitive with coal-based electricity. For those who say we can't do energy everywhere, where the sun shines, solar thermal energy will work, including in my State, the State of Washington.

We move forward, virtually every State in the country has the potential for biofuels, and here is a picture of the Imperium Biofuels Company. It is located in a former dying timber town of Grays Harbor, Washington. It is the largest biodiesel plant in the world, something America can be proud about, that we will expand.

And lastly, emerging technologies, some of which people have not heard about. This is a picture of a wave power buoy on the coast of Oregon. We have enough energy in the Pacific coast in a 10-by-10 mile stretch to power all of the electrical needs of the State of California. And this doesn't even start to talk about gains from efficiency.

This bill will help Americans insulate their homes, make sure they are using fairly efficient lighting, and make sure that their furnaces and air conditioning are efficient. And a new report just out this week says that we can cut by 50 percent our growth. Pass this bill and start this clean energy revolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 7 minutes to the gentleman from Texas (Mr. BARTON), the distinguished ranking member of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished member of the Rules Committee for yielding to me.

I have, in the 23 years that I have been in this body, engaged in, I would say, approximately two dozen, maybe three dozen, debates on various energy bills. Almost every Congress we have some sort of energy bill that comes before this body.

I have to say that my heart is sad today because, in the debate so far in this Congress on energy legislation, it has been fairly one-sided. It has been the majority trying to put their blueprint for America on energy in the committee and on the floor and in the Rules Committee with really no input and no debate from the minority party.

I understand that the majority in the House has the right to work its will. We are not the other body, the Senate on the other side of the Capitol. We have a Rules Committee that is two to one plus one. We stack the deck so that the majority can make things happen. And that's a good thing.

But the majority has responsibilities. One of the responsibilities is to hear the minority and give the minority the opportunity to have input and to have a debate and have their ideas voted on.

In this Congress on energy legislation, the only Republican amendment that has been debated on the floor of the House is the motion to recommit. In the last energy bill, we were given a motion to recommit and we offered a full substitute that had clean coal technology, alternative fuels technology, that had some real energy, had some supply incentives. That motion to recommit was defeated, but at least it was debated. The rule before us today does not give the minority an option to have a motion to recommit. The rule before us today does not give the minority an option to have a substitute amendment.

Once again we are on the floor of the House with one of the major components of our economy, energy legislation, and it is the majority way or no way. Well, I hope we would vote this rule down and go back to the Rules Committee and let us have either a Republican substitute, a Republican motion to recommit, some amendments, the Shimkus amendment on alternative fuels, the Upton amendment on renewable portfolio standards. They were all offered in the Rules Committee last night. They are substantive and real. They would improve the bill if they were allowed to be made in order. But this rule once again is a closed rule with one amendment, a Democrat substitute, no motion to recommit.

The underlying bill is over a thousand pages. The underlying bill had not been seen in public until about 8:30 last evening. Obviously you can't digest a thousand-page bill overnight. I have been reading the table of contents trying to look at some summaries what is in the bill. Most is recycled. It is

things that have been here before, but there are some new things.

There is some provision for the State of New York, for example, in the tax title that diverts State income taxes that would normally be paid to the Federal Government, they are kept by either the State or the City of New York, and it is worth about $2 billion. There has been no debate on that.

□ 1200

Now, I've got to give Chairman RANGEL, I would assume I would give him credit for easing the tax burden of the people of his city and the people of his State. But there's not been a public debate on that. That's just a little $2 billion deal in the tax title of the bill. It may have showed up, it may have been there all along, but I just saw it reading through the summary about 10 minutes ago.

So I don't think, if you're going to have a major policy debate on energy, which is worthwhile, and if the majority wants to change the energy policy, that's worthwhile too. But there ought to be a real debate and there ought to be real amendments, and we ought to let this body vote. This rule doesn't do that. This rule doesn't do that.

And most of the things that are being extolled in the bill are things that were in the energy policy act 2 years ago. They're being extended. They're being expanded. That may or may not be a good thing, but we ought to have a debate about it.

Do we really want to put a 36-billion gallon mandate for renewable fuels that can't be met by the current technology on the backs of the American people? This bill does that.

I'm all for renewable fuels. The Energy Policy Act of 2005 had an $8-billion gallon mandate for renewable fuels. The market is exceeding that. But it's a stretch to go from 8 billion, which is current law, to 36 billion. And the technology doesn't currently exist. So maybe we ought to have a debate, maybe we ought to have some offramps, some triggers that we set the goal, but make sure that we have the ability to meet that goal before we put that mandate in.

On the renewable portfolio standard for electricity generators, it only applies to investor owned; doesn't apply to nonprofits and to co-ops. I don't think that's a good idea. It doesn't allow all forms of renewable. For example, new hydro is not included as a renewable. You know, some sort of a clean coal alternative which would be an alternative form is not included. It's very restrictive.

The wind part of this bill, we're for wind power. The Energy Policy Act of 2005 expanded the tax credit for wind. This bill rescinds part of that. So there's a renewable form that they're being regressive.

So just in summary, I would hope that the majority understands that being in the majority gives you the right to set the agenda, but it shouldn't give you the right to stifle debate so that the minority has absolutely no input. And in this bill that's before us today, the minority in the House of Representatives has had zero, nada, zip, no input; and that's not good for democracy.

So I hope that we'll defeat the rule, take it back to the Rules Committee, let's have a debate. Let's have some amendments made in order and then bring a real energy bill that's bipartisan back to the floor of the House of Representatives.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I rise in support of this rule and in strong support of the underlying bill, the Energy Independence and Security Act, whose provisions, in the main, have been debated, reviewed, talked about and considered in this House for a year.

This legislation, while not perfect, and no legislation is, represents a historic opportunity to move our country toward a secure future. The bill marks a turning point in the Nation's history and answers the call for change that the American people sounded in 2006.

The harsh partisan rhetoric from the other side, Mr. Speaker, is a product of the same obsolete thinking which produced our existing energy policy, which has kept this country funneling petrodollars to countries that fund terrorism.

The people of my home State of New Hampshire are pressed by soaring gas prices; they're facing a cold winter. But they understand that energy independence, our economy and our national security are inseparable.

With this bill we take a firm stand for real security, for healthy families, for a thriving economy, and for a sustainable future for our planet. I urge my colleagues to vote for the rule and for the bill.

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

With regard to the protests, really the outrage that is being heard from this side of the aisle, the origin of that is because of the unfairness of the process, the fact that the minority has been, as was very, I think, clearly explained by the ranking member of the Energy and Commerce Committee when he just spoke, Mr. BARTON, the minority has been shut out. And this is an extremely important issue for the Nation. And if there is going to be a new energy policy, the new energy policy must be developed by the representatives of the American people in a way that represents, not only a strict numerical majority that controls the process of the House by virtue of the existence of the Rules Committee, et cetera, the ability to close out debate, but that it has to reflect genuine majority opinion. And that is reflected in the United States of America when there is dialogue, discussion, and agreement in a bipartisan fashion. So that's where the complaining, the outrage is coming from.

And I would remind our friends on the other side of the aisle that this is too important an issue to have such an exclusivist process being used to develop it. Apparently, there is no genuine interest in passing a law, in having a law passed, become law, legislation become law; but, rather, there is interest in the exercise of press releases, of passage by the House, perhaps like we've seen with much of the appropriations process where, certainly in the 15 years that I've been here, I don't recall one bill having been sent and signed at this stage of the session.

But anyway, I wanted to remind my colleagues as to the origin of the outrage, of the discontent felt by the minority side of the aisle.

At this point, Mr. Speaker, I reserve.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota, a woman who has been a leader on this issue for years, Ms. HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in support of the rule and this historic bill's commitment to clean, renewable energy and its positive impact on strengthening our national security and our economic prosperity.

One of the most important aspects of this bill is the appropriately aggressive renewable fuels standard it contains, which builds upon the first renewable fuel standard passed in the Energy Policy Act of 2005, which I supported. And it recognizes the contributions that rural America is ready, willing and able to make toward meeting our Nation's energy needs.

Like many of my fellow South Dakotans, like so many Americans, I strongly support expanding our commitment to the production and use of renewable fuels such as ethanol and biodiesel. This legislation will mandate that we produce at least 36 billion gallons of renewable fuels in this country by the year 2022, and 1 billion gallons of biodiesel by 2012.

For the past 2½ years we have seen how the first renewable fuel standard, an initial step forward reforming our Nation's approach to energy production, has resulted in tremendous technological change and tremendous opportunities. The new RFS will continue to drive the development of new and efficient processes to turn rural America's natural abundance into energy.

I urge my colleagues to support this rule and this bill, in large measure because of this renewable fuel standard which reflects a compromise with the Senate that improves the structure of the standard, while retaining the overall volume and schedule of the Senate bill. The RFS contained in the provisions we consider now include a 9 billion gallon requirement of conventional biofuels in 2008 to address the serious circumstances faced by the industry today. It accelerates to 2009 and 2010 the start dates for advanced and cellulosic biofuels and their significant

greenhouse gas reductions. It increases the total overall mandates in the intervening years, through 2016; and, importantly, it includes specific targets for biodiesel.

Again, I urge my colleagues to vote ''yes'' on the rule and to support this historic legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Speaker, I'm proud to rise today in support of this rule because last November the American people sent a new majority to Congress with a clear mission, to reduce our energy dependence on foreign oil, fight skyrocketing energy prices, and to protect our environment. The landmark legislation before the House today makes good on that goal.

You know, in my district, we're able to buy wind power on the back of our electric bill. My wife and I burn 20 percent soy biodiesel in our home heating oil in our furnace. We're driving an American-made hybrid car which today gets 33 miles per gallon, although one can get 35 if one drives a little slower with a gentle foot on the accelerator. These things are attainable now. The technologies, many of them are available now.

We had a woman call our office and say, I'm all excited; I just got a flex fuel vehicle. Where can I get some flex fuel? And my staff had to tell her that there were two pumps in New York State for E–85.

There's plenty of supply. We've heard in front of the select committee that there's a surplus right now of both biodiesel and ethanol, but not the infrastructure to get them to market. And so we need to put the supply and the demand together, and that will produce more incentive for people to develop these biofuels. I believe that they can be produced, and they are being produced, in fact, by several producers in my district.

This sweeping array of provisions on this bill includes two historic measures. First of all, the first CAFE standard fuel economy increase in three decades, which will save drivers $1,000 at the pump and cut Persian Gulf oil imports in half. And for the first time we will adopt a renewable energy standard so we can replace the polluting electric generation plants we rely on today with domestically produced power that helps us fight climate change.

With energy prices burdening our working families, dependence on foreign oil continuing to undermine our sovereignty, I urge my colleagues to support the rule and this bill.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve, Mr. Speaker.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I spent two good decades working professionally in renewable energy, and I know the great potential that new energy technology offers. The steps we're taking today will improve the world for future generations.

We should all feel proud as we pass this bill that will benefit our economy, our security, our children, and our planet. When future generations look back on the actions we're taking today, they will see it as a monumental first step away from centuries of consumption and exploitation and towards a bright and clean future.

I'm very pleased that this bill includes incentives for renewable energy, higher fuel economy standards for vehicles, a 15 percent renewable energy standard, and my bill, which will encourage groundbreaking research and geothermal energy. States like California have blazed the trail on these issues, and now everyone else can follow.

I support this bill, this rule, and urge my colleagues to do the same.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve, Mr. Speaker.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, most folks think of ''CAFE'' as a place to eat. Well, our cars and our trucks have been eating too much energy and emitting too much pollution for far too long, while our planet and our pocketbooks take a beating. Fuel efficiency standards have not been increased since 1975 when Paul Simon began singing ''Still Crazy After All These Years.''

□ 1215

Well, it is still crazy that 32 years later fuel economy standards have not been increased and we cannot get more miles per gallon despite both our dangerous overdependence on foreign oil and the growing threat of global warming. We need 21st-century fuel economy standards for 21st-century vehicles. And thanks to this bill, many of those vehicles will be fuel-efficient, plug-in hybrids, following the lead that we have taken with the Plug-in Partners campaign in Austin, Texas.

Texans alone will save $2 billion at the pump when these standards become fully effective. And consumers across America will save billions more from the requirement in this bill that utilities generate at least 15 percent of their energy from renewable energy. Keep in mind that even Governor Bush signed a renewable energy portfolio in Texas, and Texas is currently ahead of the country on this issue.

A green light for green energy encourages a new generation of job-creating innovation that we can export to the world—reducing our reliance on fossil fuels and, maybe even more importantly, fossilized thinking that we have heard so much of here this morning.

This bill will reduce the threat of both global war and global warming.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Mr. Speaker, while the process has been difficult, this rule is worthy of support, and the underlying bill is a test of our will to solve the cataclysmic challenge of our time: global warming.

This rule and this bill give us many tools, from fuel efficiency to alternative fuels to renewable energy standards. They also incorporate thoughtful, thorough appliance efficiency standards reported on a bipartisan basis by the Commerce Committee and previously enacted by this House.

As co-author with Fred Upton of the light bulb provisions, let me underscore how important they are. In this bill, we ban, by 2012, the famously inefficient 100-watt incandescent bulb, which emits 10 percent of its energy as light and wastes the remaining 90 percent. Sounds like this House. We phase out remaining inefficient bulbs by 2014, and by 2020 light bulbs will be three times more efficient, paving the way for the use of superefficient LEDs manufactured in the U.S. by 2020.

Mr. Speaker, it takes 18 seconds to change a light bulb and even less time to vote ''aye.''

Importantly, the bill gives the Department of Energy the authority to craft a rule to give the lighting industry the flexibility to sell a range of bulbs, but there are protections. The rule must save as much energy as a flat requirement that all bulbs be 3 times more efficient than today's bulbs. And if DOE doesn't get its act together, the flat requirement will automatically became law.

Though I believe that Compact Fluorescent Lightbulbs (CFLs) are an important technology, the intent of these standards is that at no time will CFLs be the only lighting choice available to American consumers. The bill also requires that DOE find ways to minimize the amount of mercury in CFLs and provides incentives for high-efficiency lighting to be manufactured in the United States.

I would like to thank Senators BINGAMAN, BOXER and Congressman UPTON (who has been my partner in all things light bulbs) for their tireless work on these provisions.

Finally, I'd like to thank Jay Hulings, my Legislative Director and Committee staff—notably John Jimison on the House side, and Deborah Estes on the Senate side—for their long hours and dedication to getting this job done.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank my friend again for yielding and all of those who participated in this debate on this rule that is so critical in the sense that it is bringing forth legislation of extraordinary importance to the Nation. Unfortunately, it has been brought forth in a process that has been most unfair and ultimately exclusivist, and that does not lead to good policy.

I have a friend who always remarks that in government, personnel is policy. I have realized now how process becomes policy when it is so exclusivist, not allowing the genuine will of the House to move forward.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and move toward passing an AMT patch for the millions of American taxpayers who face the unintended consequences of that tax.

The AMT was enacted in 1969 to prevent a small number of wealthy taxpayers from using legitimate deductions and credits to avoid paying taxes altogether. Back then, the tax affected only 155 people, the ''super rich.'' The AMT was never adjusted to match inflation; therefore, the AMT is affecting more and more taxpayers. Without fixing the AMT problem, 25 million taxpayers will be hit by the AMT, costing the average taxpayer an additional $2,000. In Florida alone, it will affect over 1 million taxpayers, 6.5 times more than in 2005.

The longer we wait to fix the AMT, the longer it will take for the IRS to make the necessary changes to tax forms and to process tax returns under any changes to the law. As of now, the majority's failure to pass an AMT fix will force the IRS to delay processing tax refunds until mid March at the earliest. This is likely to delay returns for 21 million taxpayers who currently will be subject to the AMT but who, with the patch, would not have to pay the AMT. That comes out to about a $75 billion interest-free loan to the Federal Government paid for by the American taxpayer.

We urgently need to fix the AMT so that American taxpayers will not have to wait to get their hard-earned money back from the Federal Government. I urge my colleagues to help move this important legislation and oppose the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately 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. Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. I thank my colleague from Florida (Mr. DIAZ-BALART), appreciate his arguments, and will close on behalf of our side.

There are two arguments that I heard in the course of this debate. One was about process and procedure. I happen to believe that process and procedure is important. It's important not in its own right; it's important for what it can do to help us in this body create better legislation. But process can be abused. It can be abused when the goal is not to make a better bill; it's to obstruct the passage of any bill. And the choice that had to be made by leadership on this side, particularly in view of the decision in the other body to refuse to go to conference, was whether to accept that use of process that obstructed consideration of energy legislation this country needs or to move ahead. They made the right choice.

Second, this legislation, a thousand pages, as Mr. DIAZ-BALART and others mentioned, they had some fun holding up the bill. Mr. Speaker, the vast majority of that 1,000 pages contains provisions that have been considered in many cases passed by this House of Representatives. What this bill is is a compilation of the work that many people in this body have been doing for years. What's different is that it is actually coming to the House floor for a vote.

Substantively, this legislation does turn the page on energy policy. I showed a picture in the beginning. It's a metaphor really for the energy policy that we have had in this country for generations. It's the American administration hand in hand with OPEC leadership, OPEC countries, pursuing a policy of drill-and-drill, consume-and-consume, export our dollars and import their oil.

If we turn the page, we are going to have a new picture. We are going to have a picture of the American Congress and the American administration hand in hand with American farmers who are driving their tractors, creating energy alternatives. It is going to be a picture of the American Congress with young engineers who are creating better, more efficient appliances. It is going to be a picture of the American Congress and American families who are driving to and from their soccer games, to and from work, to and from day care in safe vehicles, manufactured by American workers, that get 40 percent higher mileage, saving that family $1,000.

We know, we know that this is a hat trick. If we change our energy policy and we act like a confident Nation, not a dependent Nation, we can protect the planet, reverse global warming. We can create good jobs and keep American dollars at home, and we can increase our national security by reducing our dependence on regimes that have no particular interest in the security of the United States but whose primary interest is in the dollars from American consumers and American businesses.

I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 846 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause and insert:

''That upon adoption of this resolution, the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, with Senate amendments thereto, shall be considered to have been taken from the Speaker's table. A single motion that the Mouse concur in each of the Senate amendments with the respective amendment specified in section 2 of this resolution shall be considered as pending in the House without intervention of any point of order. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

''Sec. 2. The amendments referred to in section I are as follows:

''In lieu of the. matter proposed to be inserted for the text of the bill, H.R. 6, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Stealth Tax Relief Extension Act of 2007'.

SECTION 2. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking ''or 2006'' and inserting ''2006, or 2007'', and

(2) by striking ''2006'' in the heading thereof and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SECTION 3. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($62,550 in the case of taxable years beginning in 2006)'' in subparagraph (A) and inserting ''($66,250 in the case of taxable year's beginning in 2007)'', and

(2) by striking ''($42,500 in the case of taxable years beginning in 2006)'' in subparagraph (B) and inserting; ''(44,350 in the case of taxable years beginning in 2007)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.''

''In lieu of the matter proposed to be inserted for the title of the bill, H.R. 6, insert the following: ''To amend the Internal Revenue Code of 1986 to provide individuals relief from the alternative minimum tax.''.''

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's

ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Mr. Speaker, 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 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 846, if ordered, and suspending the rules and passing H.R. 4253.

The vote was taken by electronic device, and there were—yeas 216, nays 192, not voting 23, as follows:

[Roll No. 1136]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
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
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
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
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
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
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—192

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
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
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
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
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 (FL)

NOT VOTING—23

Baird
Bean
Boyda (KS)
Cantor
Carson
Cole (OK)
Cubin
Davis (IL)
Feeney
Fortenberry
Granger
Hinojosa
Hooley
Jindal
Johnson (GA)
Lucas
Miller, Gary
Myrick
Nunes
Ortiz
Paul
Scott (GA)
Young (AK)

□ 1248

Messrs. BARRETT of South Carolina and BACHUS changed their vote from ''yea'' to ''nay.''

Mr. PAYNE and Ms. ROYBAL-ALLARD changed their 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 218, nays 195, not voting 18, as follows:

[Roll No. 1137]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke

Clay
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
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
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
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
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
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
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—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (GA)
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
Castle
Chabot
Coble
Conaway
Crenshaw
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
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
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
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
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 (FL)

NOT VOTING—18

Baird
Boyda (KS)
Carson
Cole (OK)
Cubin
Feeney
Fortenberry
Granger
Hinojosa
Hooley
Jindal
Lucas
Miller, Gary
Myrick
Nunes
Ortiz
Paul
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining on the vote.

□ 1255

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. FORTENBERRY. Mr. Speaker, on Thursday, December 6, 2007, I was inadvertently detained and thus I missed rollcall votes Nos. 1136 and 1137. Had I been present, I would have voted "nay" on both votes.

MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4253, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 4253.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, not voting 22, as follows:

[Roll No. 1138]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
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
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
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
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
Rahall
Ramstad
Regula
Rehberg

Reichert
Renzi
Reyes
Reynolds
Richardson
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
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
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
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—2

Broun (GA)
Flake

NOT VOTING—22

Baird
Boyda (KS)
Carnahan
Carson
Cole (OK)
Cubin
Davis, Tom
Doggett
Feeney
Granger
Hinojosa
Hooley
Jindal
Lucas
Meeks (NY)
Miller, Gary
Myrick
Nunes
Ortiz
Paul
Rangel
Young (AK)

□ 1303

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BOYDA of Kansas. Mr. Speaker, I was unable to cast my vote for rollcall vote 1138 for H.R. 4253 as I was visiting a constituent who was receiving treatment at Walter Reed Army Hospital. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 1134, on motion to consider the resolution—H. Res. 846, providing for the consideration of the Senate amendments to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewable Reserve to invest in alternative energy, and for other purposes—I would have voted "nay."

Rollcall vote 1135, on motion to suspend the rules and pass, as amended—H.R. 3505, Securities Law Technical Corrections Act—I would have voted "aye."

Rollcall vote 1136, on ordering the previous question—H. Res. 846, providing for the consideration of the Senate amendments to the bill (H.R. 6), Creating Long-Term Energy Alternatives for the Nation Act—I would have voted "nay."

Rollcall vote 1137, on agreeing to the resolution—H. Res. 846, providing for the consideration of the Senate amendments to the bill (H.R. 6), Creating Long-Term Energy Alternatives for the Nation Act—I would have voted "nay."

Rollcall vote 1138, on motion to suspend the rules and pass—H.R. 4253, Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007—I would have voted "aye."

ANNOUNCING THE BIRTH OF EVELYN ROSE NUNES

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

Mr. DREIER. Mr. Speaker, I am very pleased to announce to the House that our distinguished colleague DEVIN NUNESthe proud parents of 6 pound, 13 ounce Evelyn Rose Nunes, who was born at 3:31 yesterday morning. I think all of us want to extend hardy congratulations to them. I am happy to report that mother and baby are doing very well.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Con. Res. 183

Mr. BONNER. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Con. Res. 183.

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

There was no objection.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 846 and as designee of the majority leader, I call up from the Speaker's table the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, with Senate amendments thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007".

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

Sec. 1. Short title; table of contents.
Sec. 2. Relationship to other law.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—Renewable Fuel Standard

Sec. 111. Renewable fuel standard.
Sec. 112. Production of renewable fuel using renewable energy.
Sec. 113. Sense of Congress relating to the use of renewable resources to generate energy.

Subtitle B—Renewable Fuels Infrastructure

Sec. 121. Infrastructure pilot program for renewable fuels.
Sec. 122. Bioenergy research and development.
Sec. 123. Bioresearch centers for systems biology program.
Sec. 124. Loan guarantees for renewable fuel facilities.
Sec. 125. Grants for renewable fuel production research and development in certain States.
Sec. 126. Grants for infrastructure for transportation of biomass to local biorefineries.
Sec. 127. Biorefinery information center.
Sec. 128. Alternative fuel database and materials.
Sec. 129. Fuel tank cap labeling requirement.
Sec. 130. Biodiesel.
Sec. 131. Transitional assistance for farmers who plant dedicated energy crops for a local cellulosic refinery.
Sec. 132. Research and development in support of low-carbon fuels.

Subtitle C—Studies

Sec. 141. Study of advanced biofuels technologies.
Sec. 142. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 143. Pipeline feasibility study.
Sec. 144. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 145. Study of credits for use of renewable electricity in electric vehicles.
Sec. 146. Study of engine durability associated with the use of biodiesel.
Sec. 147. Study of incentives for renewable fuels.
Sec. 148. Study of streamlined lifecycle analysis tools for the evaluation of renewable carbon content of biofuels.
Sec. 149. Study of effects of ethanol-blended gasoline on off-road vehicles.
Sec. 150. Study of offshore wind resources.

Subtitle D—Environmental Safeguards

Sec. 161. Grants for production of advanced biofuels.
Sec. 162. Studies of effects of renewable fuel use.
Sec. 163. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 164. Anti-backsliding.

TITLE II—ENERGY EFFICIENCY PROMOTION

Sec. 201. Short title.
Sec. 202. Definition of Secretary.

Subtitle A—Promoting Advanced Lighting Technologies

Sec. 211. Accelerated procurement of energy efficient lighting.
Sec. 212. Incandescent reflector lamp efficiency standards.
Sec. 213. Bright Tomorrow Lighting Prizes.
Sec. 214. Sense of Senate concerning efficient lighting standards.
Sec. 215. Renewable energy construction grants.

Subtitle B—Expediting New Energy Efficiency Standards

Sec. 221. Definition of energy conservation standard.
Sec. 222. Regional efficiency standards for heating and cooling products.

Sec. 223. Furnace fan rulemaking.
Sec. 224. Expedited rulemakings.
Sec. 225. Periodic reviews.
Sec. 226. Energy efficiency labeling for consumer electronic products.
Sec. 227. Residential boiler efficiency standards.
Sec. 228. Technical corrections.
Sec. 229. Electric motor efficiency standards.
Sec. 230. Energy standards for home appliances.
Sec. 231. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 232. Deployment of new technologies for high-efficiency consumer products.
Sec. 233. Industrial efficiency program.

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

Sec. 241. Lightweight materials research and development.
Sec. 242. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 243. Advanced technology vehicles manufacturing incentive program.
Sec. 244. Energy storage competitiveness.
Sec. 245. Advanced transportation technology program.
Sec. 246. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 247. Commercial insulation demonstration program.

Subtitle D—Setting Energy Efficiency Goals

Sec. 251. Oil savings plan and requirements.
Sec. 252. National energy efficiency improvement goals.
Sec. 253. National media campaign.
Sec. 254. Modernization of electricity grid system.
Sec. 255. Smart grid system report.
Sec. 256. Smart grid technology research, development, and demonstration.
Sec. 257. Smart grid interoperability framework.
Sec. 258. State consideration of smart grid.
Sec. 259. Support for energy independence of the United States.
Sec. 260. Energy Policy Commission.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

Sec. 261. Federal fleet conservation requirements.
Sec. 262. Federal requirement to purchase electricity generated by renewable energy.
Sec. 263. Energy savings performance contracts.
Sec. 264. Energy management requirements for Federal buildings.
Sec. 265. Combined heat and power and district energy installations at Federal sites.
Sec. 266. Federal building energy efficiency performance standards.
Sec. 267. Application of International Energy Conservation Code to public and assisted housing.
Sec. 268. Energy efficient commercial buildings initiative.
Sec. 269. Clean energy corridors.
Sec. 270. Federal standby power standard.
Sec. 270A. Standard relating to solar hot water heaters.
Sec. 270B. Renewable energy innovation manufacturing partnership.
Sec. 270C. Express loans for renewable energy and energy efficiency.
Sec. 270D. Small business energy efficiency.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

Sec. 271. Weatherization assistance for low-income persons.
Sec. 272. State energy conservation plans.
Sec. 273. Utility energy efficiency programs.
Sec. 274. Energy efficiency and demand response program assistance.
Sec. 275. Energy and environmental block grant.
Sec. 276. Energy sustainability and efficiency grants for institutions of higher education.
Sec. 277. Energy efficiency and renewable energy worker training program.
Sec. 278. Assistance to States to reduce school bus idling.
Sec. 279. Definition of State.
Sec. 280. Coordination of planned refinery outages.
Sec. 281. Technical criteria for clean coal power initiative.
Sec. 282. Administration.
Sec. 283. Offshore renewable energy.

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

Sec. 291. Definition of marine and hydrokinetic renewable energy.
Sec. 292. Research and development.
Sec. 293. National ocean energy research centers.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

Sec. 301. Short title.
Sec. 302. Carbon capture and storage research, development, and demonstration program.
Sec. 303. Carbon dioxide storage capacity assessment.
Sec. 304. Carbon capture and storage initiative.
Sec. 305. Capitol power plant carbon dioxide emissions demonstration program.
Sec. 306. Assessment of carbon sequestration and methane and nitrous oxide emissions from terrestrial ecosystems.
Sec. 307. Abrupt climate change research program.

TITLE IV—COST-EFFECTIVE AND ENVIRONMENTALLY SUSTAINABLE PUBLIC BUILDINGS

Subtitle A—Public Buildings Cost Reduction

Sec. 401. Short title.
Sec. 402. Cost-effective and geothermal heat pump technology acceleration program.
Sec. 403. Environmental Protection Agency demonstration grant program for local governments.
Sec. 404. Definitions.

Subtitle B—Installation of Photovoltaic System at Department of Energy Headquarters Building

Sec. 411. Installation of photovoltaic system at Department of Energy headquarters building.

Subtitle C—High-Performance Green Buildings

Sec. 421. Short title.
Sec. 422. Findings and purposes.
Sec. 423. Definitions.

PART I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

Sec. 431. Oversight.
Sec. 432. Office of High-Performance Green Buildings.
Sec. 433. Green Building Advisory Committee.
Sec. 434. Public outreach.
Sec. 435. Research and development.
Sec. 436. Budget and life-cycle costing and contracting.
Sec. 437. Authorization of appropriations.

PART II—HEALTHY HIGH-PERFORMANCE SCHOOLS

Sec. 441. Definition of high-performance school.
Sec. 442. Grants for healthy school environments.
Sec. 443. Model guidelines for siting of school facilities.
Sec. 444. Public outreach.
Sec. 445. Environmental health program.
Sec. 446. Authorization of appropriations.

PART III—STRENGTHENING FEDERAL LEADERSHIP

Sec. 451. Incentives.
Sec. 452. Federal procurement.
Sec. 453. Federal green building performance.
Sec. 454. Storm water runoff requirements for Federal development projects.

PART IV—DEMONSTRATION PROJECT

Sec. 461. Coordination of goals.
Sec. 462. Authorization of appropriations.

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

Sec. 501. Short title.
Sec. 502. Average fuel economy standards for automobiles and certain other vehicles.
Sec. 503. Amending Fuel Economy Standards.
Sec. 504. Definitions.
Sec. 505. Ensuring safety of automobiles.
Sec. 506. Credit Trading Program.
Sec. 507. Labels for fuel economy and greenhouse gas emissions.
Sec. 508. Continued applicability of existing standards.
Sec. 509. National Academy of Sciences Studies.
Sec. 510. Standards for Executive agency automobiles.
Sec. 511. Increasing Consumer Awareness of Flexible Fuel Automobiles.
Sec. 512. Periodic review of accuracy of fuel economy labeling procedures.
Sec. 513. Tire fuel efficiency consumer information.
Sec. 514. Advanced Battery Initiative.
Sec. 515. Biodiesel standards.
Sec. 516. Use of Civil Penalties for research and development.
Sec. 517. Energy Security Fund and Alternative Fuel Grant Program.
Sec. 518. Authorization of appropriations.
Sec. 519. Application with Clean Air Act.
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TITLE VIII—MISCELLANEOUS

Sec. 801. Study of the effect of private wire laws on the development of combined heat and power facilities.

SEC. 2. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing

in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Biofuels for Energy Security and Transportation Act of 2007''.

SEC. 102. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term ''advanced biofuel'' means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term ''advanced biofuel'' includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term ''conventional biofuel'' means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term ''renewable biomass'' means—

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

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

(7) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

Subtitle A—Renewable Fuel Standard

SEC. 111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel and home heating oil sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities that commence operations after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0.

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in

the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 30 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term ''facility'' means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term ''renewable energy'' has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term ''renewable energy'' includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

SEC. 113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

Subtitle B—Renewable Fuels Infrastructure

SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give 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 advanced biofuels;

(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 subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(2) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. 123. 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 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts''.

SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(f) RENEWABLE FUEL FACILITIES.—

''(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 102 of the Biofuels for Energy Security and Transportation Act of 2007).

''(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

''(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

''(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

''(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

''(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

''(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

''(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).''.

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SEC. 125. 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 Diné 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 is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as ''eligible entities'') to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

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

SEC. 127. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

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

SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking ''The Federal Trade Commission'' and inserting the following:

''(1) IN GENERAL.—The Federal Trade Commission''; and

(2) by adding at the end the following:

''(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.''.

SEC. 130. BIODIESEL.

(a) IN GENERAL.—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 the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) REGULATIONS.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.—

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

SEC. 131. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term ''cellulosic crop'' means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term ''cellulosic refiner'' means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term ''cellulosic refinery'' means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term ''qualified cellulosic crop'' means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

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

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 132. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term ''fuel emission baseline'' means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 122, there are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;

(2) $50,000,000 for fiscal year 2010;

(3) $55,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $65,000,000 for fiscal year 2013.

Subtitle C—Studies

SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 111;

(3) consider the effectiveness of the research and development programs and activities of the

Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 142. 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, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol 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 economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related 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 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. 143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and 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. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E–85 fuel.

(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 Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months 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, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 111(d).

SEC. 146. STUDY OF ENGINE DURABILITY 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 engine durability.

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

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the study.

SEC. 148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year 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 under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 149. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF-ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) 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.

SEC. 150. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

(1) a description of—

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

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

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

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

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

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

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

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

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

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

(e) EFFECT.—Nothing in this section—

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

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

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

Subtitle D—Environmental Safeguards

SEC. 161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

''(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute determined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(2) MATTERS TO BE STUDIED.—

''(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

''(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

''(i) in air and water quality and the quality of other natural resources;

''(ii) in land use patterns;

''(iii) in the rate of deforestation in the United States and globally;

''(iv) to greenhouse gas emissions;

''(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

''(vi) in the long-term capacity of the United States to produce biomass feedstocks.

''(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

''(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

''(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

''(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.''.

SEC. 163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking ''nonroad vehicle (A) if in the judgment of the Administrator'' and inserting ''nonroad vehicle—

''(A) if, in the judgment of the Administrator, any fuel or fuel additive or'';

(2) in subparagraph (A), by striking ''air pollution which'' and inserting ''air pollution or water pollution (including any degradation in the quality of groundwater) that''; and

(3) by striking '', or (B) if'' and inserting the following: ''; or

''(B) if''.

SEC. 164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 162) is amended by adding at the end the following:

''(u) PREVENTION OF AIR QUALITY DETERIORATION.—

''(1) STUDY.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

''(B) CONSIDERATIONS.—The study shall include consideration of—

''(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

''(ii) appropriate national, regional, and local air quality control measures.

''(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

''(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

''(B) make a determination that no such measures are necessary.

''(3) OTHER REQUIREMENTS.—Nothing in title I of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supercedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.''.

TITLE II—ENERGY EFFICIENCY PROMOTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Energy Efficiency Promotion Act of 2007''.

SEC. 202. DEFINITION OF SECRETARY.

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

Subtitle A—Promoting Advanced Lighting Technologies

SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

''(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

''(1) IN GENERAL.—Not later than October 1, 2013, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.

''(B) REPLACEMENT COSTS.—The guidelines shall take into consideration the costs of replacing all general service lighting and the reduced cost of operation and maintenance expected to result from such replacement.''.

SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(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 40 watts or higher''; and

(2) by adding at the end the following:

''(52) BPAR INCANDESCENT REFLECTOR LAMP.—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) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—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 C78.21–1989, 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) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—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) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55) R20 INCANDESCENT REFLECTOR LAMP.—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 (other than subparagraph (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 October 24, 1992.

''(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 that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—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. 213. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation

with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

(i) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

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

SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term ''Alaska small hydroelectric power'' means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term ''ocean energy'' includes current, wave, and tidal energy.

(B) EXCLUSION.—The term ''ocean energy'' excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

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

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section 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 sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

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

Subtitle B—Expediting New Energy Efficiency Standards

SEC. 221. 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(hh); and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.''.

SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.

(a) IN GENERAL.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—The Secretary may determine, after notice and comment, that more stringent Federal energy conservation standards are appropriate for furnaces, boilers, or central air conditioning equipment than applicable Federal energy conservation standards.

''(B) FINDING.—The Secretary may determine that more stringent standards are appropriate for up to 2 different regions only after finding that the regional standards—

''(i) would contribute to energy savings that are substantially greater than that of a single national energy standard; and

''(ii) are economically justified.

''(C) REGIONS.—On making a determination described in subparagraph (B), the Secretary shall establish the regions so that the more stringent standards would achieve the maximum level of energy savings that is technologically feasible and economically justified.

''(D) FACTORS.—In determining the appropriateness of 1 or more regional standards for furnaces, boilers, and central and commercial air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4) of section 325(o).

''(2) STATE PETITION.—After a determination made by the Secretary under paragraph (1), a State may petition the Secretary requesting a rule that a State regulation that establishes a standard for furnaces, boilers, or central air conditioners become effective at a level determined by the Secretary to be appropriate for the region that includes the State.

''(3) RULE.—Subject to paragraphs (4) through (7), the Secretary may issue the rule during the period described in paragraph (4) and after consideration of the petition and the comments of interested persons.

''(4) PROCEDURE.—

''(A) NOTICE.—The Secretary shall provide notice of any petition filed under paragraph (2) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, on the petition.

''(B) DECISION.—Except as provided in subparagraph (C), during the 180-day period beginning on the date on which the petition is filed, the Secretary shall issue the requested rule or deny the petition.

''(C) EXTENSION.—The Secretary may publish in the Federal Register a notice—

''(i) extending the period to a specified date, but not longer than 1 year after the date on which the petition is filed; and

''(ii) describing the reasons for the delay.

''(D) DENIALS.—If the Secretary denies a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, the denial.

''(5) FINDING OF SIGNIFICANT BURDEN ON MANUFACTURING, MARKETING, DISTRIBUTION, SALE, OR SERVICING OF COVERED PRODUCT ON NATIONAL BASIS.—

''(A) IN GENERAL.—The Secretary may not issue a rule under this subsection if the Secretary finds (and publishes the finding) that interested persons have established, by a preponderance of the evidence, that the State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of a covered product on a national basis.

''(B) FACTORS.—In determining whether to make a finding described in subparagraph (A), the Secretary shall evaluate all relevant factors, including—

''(i) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

''(ii) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State; and

''(iii) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

''(I) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

''(II) in the current or projected sales volume of the covered product type (or class) in the State and the United States.

''(6) APPLICATION.—No State regulation shall become effective under this subsection with respect to any covered product manufactured before the date specified in the determination made by the Secretary under paragraph (1).

''(7) PETITION TO WITHDRAW FEDERAL RULE FOLLOWING AMENDMENT OF FEDERAL STANDARD.—

''(A) IN GENERAL.—If a State has issued a rule under paragraph (3) with respect to a covered product and subsequently a Federal energy conservation standard concerning the product is amended pursuant to section 325, any person subject to the State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (3) with respect to the product in the State.

''(B) BURDEN OF PROOF.—The Secretary shall consider the petition in accordance with paragraph (5) and the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (3) should be withdrawn as a result of the amendment to the Federal standard.

''(C) WITHDRAWAL.—If the Secretary determines that the petitioner has shown that the rule issued by the Secretary under paragraph (3) should be withdrawn in accordance with subparagraph (B), the Secretary shall withdraw the rule.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(ii) in paragraph (3)—

(I) by striking ''subsection (f)(1)'' and inserting ''subsection (g)(1)''; and

(II) by striking ''subsection (f)(2)'' and inserting ''subsection (g)(2)''; and

(B) in subsection (c)(3), by striking ''subsection (f)(3)'' and inserting ''subsection (g)(3)''.

(2) Section 345(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(2)) is amended by adding at the end the following:

''(E) RELATIONSHIP TO CERTAIN STATE REGULATIONS.—Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) with respect to the equipment specified in subparagraphs (B), (C), (D), (H), (I), and (J) of section 340 shall not supersede a State regulation that is effective under the terms, conditions, criteria, procedures, and other requirements of section 327(e).''.

SEC. 223. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

''(E) FINAL RULE.—

''(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2014.

''(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).''.

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

''(5) DIRECT FINAL RULES.—

''(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

''(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

''(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall—

''(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

''(ii) publish a response to each comment so received.

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

''(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting ''section 325(p)(5),'' after ''The provisions of''.

SEC. 225. PERIODIC REVIEWS.

(a) TEST PROCEDURES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking ''(1)'' and all that follows through the end of the paragraph and inserting the following:

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

''(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) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

''(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

''(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1),

the Secretary shall publish a final rule amending the standard for the product.''; and

(3) in paragraph (4) (as so designated), by striking ''(4) An'' and inserting the following:

''(4) APPLICATION OF AMENDMENT.—An''.

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking ''(6)(A)(i)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—

''(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

''(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.''.

(d) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking ''(a)'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

''(i) 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 the class in accordance with this section; or

''(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) take effect on January 1, 2012.

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

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

''(H) LABELING REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

''(I) televisions;

''(II) personal computers;

''(III) cable or satellite set-top boxes;

''(IV) stand-alone digital video recorder boxes; and

''(V) personal computer monitors.

''(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

''(I) identifies adequate non-Department of Energy testing procedures for those products; and

''(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

''(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

''(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

''(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

''(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

''(I) is not technologically or economically feasible; or

''(II) is not likely to assist consumers in making purchasing decisions.''; and

(2) by adding at the end the following:

''(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.''.

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

''(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(H) or (6) of subsection (a).''.

SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

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

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), 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) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

''(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an 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) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the 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 clauses (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. 228. TECHNICAL CORRECTIONS.

(a) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

(b) STANDARDS FOR COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT.—Section 342(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) is amended in the matter preceding subparagraph (A) by striking ''but before January 1, 2010,''.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 212(a)(2)) is amended—

(A) in paragraph (46)(A)—

(i) in clause (i), by striking ''bulb'' and inserting ''the arc tube''; and

(ii) in clause (ii), by striking ''has a bulb'' and inserting ''wall loading is'';

(B) in paragraph (47)(A), by striking ''operating at a partial'' and inserting ''typically operating at a partial vapor'';

(C) in paragraph (48), by inserting ''intended for general illumination'' after ''lamps''; and

(D) by adding at the end the following:

''(56) The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

''(A) is designed and marketed for medical use, optical comparators, quality inspection, industrial processing, or scientific use, including fluorescent microscopy, ultraviolet curing, and the manufacture of microchips, liquid crystal displays, and printed circuit boards; and

''(B) in the case of a specialty application mercury vapor lamp ballast, is labeled as a specialty application mercury vapor lamp ballast.''.

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting ''(other than specialty application mercury vapor lamp ballasts)'' after ''ballasts''.

SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'electric motor' means—

''(I) a general purpose electric motor—subtype I; and

''(II) a general purpose electric motor—subtype II.

''(ii) The term 'general purpose electric motor—subtype I' means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

''(iii) The term 'general purpose electric motor—subtype II' means a motor that, in addition to the design elements for a general purpose electric motor—subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG–1 (2006)) for any of the following:

''(I) A U–Frame Motor.

''(II) A Design C Motor.

''(III) A close-coupled pump motor.

''(IV) A footless motor.

''(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

''(VI) An 8-pole motor.

''(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).''.

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(13)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE I.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor—subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG–1 (2006).

''(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(B) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE II.—A general purpose electric motor—subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking ''or, in the case of'' and inserting ''and, in the case of residential clothes washers, residential dishwashers,''.

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—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, and including any amended standards.''.

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) CLOTHES WASHERS.—

''(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

''(I) a modified energy factor of at least 1.26; and

''(II) a water factor of not more than 9.5.

''(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2015, and including any amended standards.

''(E) DISHWASHERS.—

''(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall use not more than—

''(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

''(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

''(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not 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, and including any amended standards.''.

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

(1) in paragraph (1), by inserting ''and before October 1, 2012,'' after ''2007,''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—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.''.

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''2010'' and inserting ''2009''.

SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

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

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

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term ''high-efficiency consumer product'' means a product that exceeds the energy efficiency of comparable products available in the market by a percentage determined by the Secretary to be an appropriate benchmark for the consumer product category competing for an award under this section.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) an institution of higher education under contract or in partnership with a nonprofit or for-profit private entity acting on behalf of an industrial or commercial sector or subsector;

(B) a nonprofit or for-profit private entity acting on behalf on an industrial or commercial sector or subsector; or

(C) a consortia of entities acting on behalf of an industrial or commercial sector or subsector.

(2) ENERGY-INTENSIVE COMMERCIAL APPLICATIONS.—The term ''energy-intensive commercial applications'' means processes and facilities that use significant quantities of energy as part of the primary economic activities of the processes and facilities, including—

(A) information technology data centers;

(B) product manufacturing; and

(C) food processing.

(3) FEEDSTOCK.—The term ''feedstock'' means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) MATERIALS MANUFACTURERS.—The term ''materials manufacturers'' means the energy-intensive primary manufacturing industries, including the aluminum, chemicals, forest and paper products, glass, metal casting, and steel industries.

(5) PARTNERSHIP.—The term ''partnership'' means an energy efficiency and utilization partnership established under subsection (c)(1)(A).

(6) PROGRAM.—The term ''program'' means the industrial efficiency program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with materials manufacturers, companies engaged in energy-intensive commercial applications, and national industry trade associations representing the manufactures and companies, shall support, develop, and promote the use of new materials manufacturing and industrial and commercial processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall—

(A) establish energy efficiency and utilization partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve energy efficiency and utilization by materials manufacturers and in energy-intensive commercial applications, including the conduct of activities to—

(i) increase the energy efficiency of industrial and commercial processes and facilities in energy-intensive commercial application sectors;

(ii) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance in energy-intensive commercial application sectors; and

(iii) promote the use of the processes, technologies, and techniques described in clauses (i) and (ii); and

(B) pay the Federal share of the cost of any eligible partnership activities for which a proposal has been submitted and approved in accordance with paragraph (3)(B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for financial assistance under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting manufacturing feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(C) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(D) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for financial assistance under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of financial assistance under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys, fiberglass, and carbon composites) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 242. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and loan guarantees under section 1703 to automobile manufacturers and suppliers''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.''.

SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term ''adjusted average fuel economy'' means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2005.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

(3) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary, using a petroleum equivalence factor for the off-board electricity (as defined in section 474 of title 10, Code of Federal Regulations).

(4) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment and developing new manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not

less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005.

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms or consortia led by a covered firm.

SEC. 244. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(D) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i).

(C) MEETINGS.—

(i) IN GENERAL.—The Council shall meet not less than once a year.

(ii) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) PLANS.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) REVIEW.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) BASIC RESEARCH PROGRAM.—

(A) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

(iv) surface and interface dynamics;

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms; and

(vii) thermal behavior and life degradation mechanisms.

(B) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the nanoscience centers of the Department maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(5) APPLIED RESEARCH PROGRAM.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

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

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems; and

(G) thermal management systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) PROGRAM MANAGEMENT.—The centers shall be jointly managed by the Under Secretary for Science of the Department.

(C) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) COST SHARING.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(7) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this section.

(8) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under paragraph (6)—

(A) that any industrial participant that is active in a Energy Storage Research Center established under paragraph (6) related to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses and royalties on terms that are reasonable, as determined by the Secretary;

(B) that, during a 2-year period beginning on the date on which an invention is made, the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under paragraph (6);

(C) that, during the 2-year period described in subparagraph (B), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under paragraph (6); and

(D) such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under paragraph (6) to advance the capability of the United States to successfully compete in global energy storage markets.

(9) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY PROGRAM.

(a) ELECTRIC DRIVE VEHICLE DEMONSTRATION PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) PROGRAM.—The Secretary shall establish a competitive program to provide grants for demonstrations of plug-in electric drive vehicles.

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) 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—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt-hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

(4) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to proposals that—

(A) are likely to contribute to the commercialization and production of plug-in electric drive vehicles in the United States; and

(B) reduce petroleum usage.

(5) SCOPE OF DEMONSTRATIONS.—The Secretary shall ensure, to the extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(6) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to vehicle, performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(7) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(8) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $60,000,000 for each of fiscal years 2008 through 2012, of which not less than $20,000,000 shall be available each fiscal year only to make grants local and municipal governments.

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term ''qualified electric transportation project'' means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term ''qualified electric transportation project'' includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) 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.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of 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.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term ''energy storage device'' means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term ''energy storage device'' includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term ''engine dominant hybrid vehicle'' means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—In this section, the term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) PLUG-IN ELECTRIC DRIVE VEHICLE RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for plug-in electric drive vehicle technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) 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 Electric Vehicle Competition''.

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), 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—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. 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 redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

''(a) 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 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- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) 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.'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(e) 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 2013.''.

SEC. 247. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 911(b) of Public Law 109–58, the Energy Policy Act of 2005, such sums shall be allocated to carry out this program.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. OIL SAVINGS PLAN AND REQUIREMENTS.

(a) OIL SAVINGS TARGET AND ACTION PLAN.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to subsection (b) that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under subsection (e)—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis demonstrating—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) that all such requirements, taken together, will achieve the oil savings specified in this subsection.

(b) STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—On or before the date of publication of the action plan under subsection (a), the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in paragraph (2).

(2) AUTHORITIES.—The head of each agency described in paragraph (1) shall use to carry out this subsection—

(A) any authority in existence on the date of enactment of this Act (including regulations); and

(B) any new authority provided under this Act (including an amendment made by this Act).

(3) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in paragraph (1) shall promulgate final versions of the regulations required under this subsection.

(4) CONTENT OF REGULATIONS.—Each proposed and final regulation promulgated under this subsection shall—

(A) be sufficient to achieve at least the oil savings resulting from the regulation under the action plan published under subsection (a); and

(B) be accompanied by an analysis by the applicable agency demonstrating that the regulation will achieve the oil savings from the baseline determined under subsection (e).

(c) INITIAL EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall—

(A) publish in the Federal Register a Federal Government-wide analysis of—

(i) the oil savings achieved from the baseline established under subsection (e); and

(ii) the expected oil savings under the standards and requirements of this Act (and amendments made by this Act); and

(B) determine whether oil savings will meet the targets established under subsection (a).

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the analysis required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(d) REVIEW AND UPDATE OF ACTION PLAN.—

(1) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(A) evaluates the progress achieved in implementing the oil savings targets established under subsection (a);

(B) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(C)(i) analyzes the potential to achieve oil savings that are in addition to the savings required by subsection (a); and

(ii) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the report required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(e) BASELINE AND ANALYSIS REQUIREMENTS.—In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this section, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

(f) NONREGULATORY MEASURES.—The action plan required under subsection (a) and the revised action plans required under subsections (c) and (d) shall include—

(1) a projection of the barrels of oil displaced by efficiency and sources of energy other than oil, including biofuels, electricity, and hydrogen; and

(2) a projection of the barrels of oil saved through enactment of this Act and the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.).

SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) GOALS.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 253. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States over the next decade;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States that developing and deploying advanced technology to modernize and increase the efficiency of the electricity grid system of the United States is essential to maintain a reliable and secure electricity transmission and distribution infrastructure that can meet future demand growth.

(b) PROGRAMS.—The Secretary, the Federal Energy Regulatory Commission, and other Federal agencies, as appropriate, shall carry out programs to support the use, development, and demonstration of advanced transmission and distribution technologies, including real-time monitoring and analytical software—

(1) to maximize the capacity and efficiency of electricity networks;

(2) to enhance grid reliability;

(3) to reduce line losses;

(4) to facilitate the transition to real-time electricity pricing;

(5) to allow grid incorporation of more onsite renewable energy generators;

(6) to enable electricity to displace a portion of the petroleum used to power the national transportation system of the United States; and

(7) to enable broad deployment of distributed generation and demand side management technology.

SEC. 255. SMART GRID SYSTEM REPORT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the ''Secretary''), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment.

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the ''Initiative'') composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the ''Commission''), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to consider include voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in non-advanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

''(i) total costs;

''(ii) cost-effectiveness;

''(iii) improved reliability;

''(iv) security;

''(v) system performance; and

''(vi) societal benefit.

''(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

''(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.''.

SEC. 259. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

SEC. 260. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''National Commission on Energy Independence'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that

the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

SEC. 261. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

(1) IN GENERAL.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—The Secretary shall issue regulations (including provisions for waivers from the requirements of this section) for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(2) PLAN.—

''(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

''(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(i) the use of alternative fuels;

''(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug–in hybrid vehicles if the vehicles are commercially available;

''(iii) the substitution of cars for light trucks;

''(iv) an increase in vehicle load factors;

''(v) a decrease in vehicle miles traveled;

''(vi) a decrease in fleet size; and

''(vii) other measures.

''(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as—

''(A) telecommuting;

''(B) public transit;

''(C) carpooling; and

''(D) bicycling and the use of 2-wheeled electric drive devices.

''(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

''(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

''(c) REPLACEMENT TIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

''(2) EXCEPTIONS.—This section does not apply to—

''(A) law enforcement motor vehicles;

''(B) emergency motor vehicles; or

''(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

''(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

''Sec. 400FF. Federal fleet conservation requirements.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—The President, acting through the Secretary, shall require that, to the extent economically feasible and technically practicable, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

''(A) Not less than 10 percent in fiscal year 2010.

''(B) Not less than 15 percent in fiscal year 2015.

''(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

''(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on a fiscal-year basis if the President determines that complying with paragraph (1) for a fiscal year would result in—

''(A) a negative impact on military training or readiness activities conducted by the Department of Defense;

''(B) a negative impact on domestic preparedness activities conducted by the Department of Homeland Security; or

''(C) a requirement that a Federal agency provide emergency response services in the event of a natural disaster or terrorist attack.''; and

(2) by adding at the end the following:

''(e) CONTRACTS FOR RENEWABLE ENERGY FROM PUBLIC UTILITY SERVICES.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for renewable energy may be made for a period of not more than 50 years.''.

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) 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 on-site from renewable energy sources or cogeneration, 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.''.

(d) NOTIFICATION.—

(1) 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—

(A) in clause (ii), by inserting ''and'' after the semicolon at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii).

(2) 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''.

(3) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term ''secondary savings'' includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

''Fiscal Year	*Percentage reduction*
2006	*2*
2007	*4*
2008	*9*
2009	*12*
2010	*15*
2011	*18*
2012	*21*
2013	*24*
2014	*27*
2015	*30.''.*

SEC. 265. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

''(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

''(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).''.

SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''this paragraph'' and by inserting ''the Energy Efficiency Promotion Act of 2007''; and

(2) in clause (i)—

(A) in subclause (I), by striking ''and'' at the end;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

''(II) the buildings be designed, to the extent economically feasible and technically practicable, so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal 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*
2007	*50*
2010	*60*
2015	*70*
2020	*80*
2025	*90*
2030	*100;*

and''.

SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(1)(C), by striking, '', where such standards are determined to be cost effective by the Secretary of Housing and Urban Development'';

(2) in subsection (a)(2)—

(A) by striking ''the Council of American Building Officials Model Energy Code, 1992'' and inserting ''2006 International Energy Conservation Code''; and

(B) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(3) in subsection (b)—

(A) in the heading, by striking ''MODEL ENERGY CODE.—'' and inserting ''INTERNATIONAL ENERGY CONSERVATION CODE.—'';

(B) after ''all new construction'' in the first sentence insert ''and rehabilitation''; and

(C) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(4) in subsection (c)—

(A) in the heading, by striking ''MODEL ENERGY CODE AND''; and

(B) by striking '', or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(5) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—If the Secretaries have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c) of this section, the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency, all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard.'';

(6) by striking ''CABO Model Energy Code, 1992'' each place it appears and inserting ''the 2006 IECC''; and

(7) by striking ''1989'' each place it appears and inserting ''2004''.

SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means a working group that is comprised of—

(A) individuals representing—

(i) 1 or more businesses engaged in—

(I) commercial building development;

(II) construction; or

(III) real estate;

(ii) financial institutions;

(iii) academic or research institutions;

(iv) State or utility energy efficiency programs;

(v) nongovernmental energy efficiency organizations; and

(vi) the Federal Government;

(B) 1 or more building designers; and

(C) 1 or more individuals who own or operate 1 or more buildings.

(2) ENERGY EFFICIENT COMMERCIAL BUILDING.—The term ''energy efficient commercial building'' means a commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy;

(B) to meet, on an annual basis, the balance of energy needs of the commercial building from renewable sources of energy; and

(C) to be economically viable.

(3) INITIATIVE.—The term ''initiative'' means the Energy Efficient Commercial Buildings Initiative.

(b) INITIATIVE.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the consortium to develop and carry out the initiative—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of energy efficient commercial buildings in the United States.

(2) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop technologies and practices and implement policies that lead to energy efficient commercial buildings for—

(A) any commercial building newly constructed in the United States by 2030;

(B) 50 percent of the commercial building stock of the United States by 2040; and

(C) all commercial buildings in the United States by 2050.

(3) COMPONENTS.—In carrying out the initiative, the Secretary, in collaboration with the consortium, may—

(A) conduct research and development on building design, materials, equipment and controls, operation and other practices, integration,

energy use measurement and benchmarking, and policies;

(B) conduct demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(C) conduct deployment activities to disseminate information on, and encourage widespread adoption of, technologies, practices, and policies to achieve energy efficient commercial buildings; and

(D) conduct any other activity necessary to achieve any goal of the initiative, as determined by the Secretary, in collaboration with the consortium.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to amounts authorized to be appropriated under paragraph (1), the Secretary may allocate funds from other appropriations to the initiative without changing the purpose for which the funds are appropriated.

SEC. 269. CLEAN ENERGY CORRIDORS.

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

(1) in subsection (a)—

(A) by striking ''(1) Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than'';

(B) by striking paragraph (2) and inserting the following:

''(2) REPORT AND DESIGNATIONS.—

''(A) IN GENERAL.—After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study conducted under paragraph (1), in which the Secretary may designate as a national interest electric transmission corridor any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers, including constraints or congestion that—

''(i) increases costs to consumers;

''(ii) limits resource options to serve load growth; or

''(iii) limits access to sources of clean energy, such as wind, solar energy, geothermal energy, and biomass.

''(B) ADDITIONAL DESIGNATIONS.—In addition to the corridor designations made under subparagraph (A), the Secretary may designate additional corridors in accordance with that subparagraph upon the application by an interested person, on the condition that the Secretary provides for an opportunity for notice and comment by interested persons and affected States on the application.'';

(C) in paragraph (3), the striking ''(3) The Secretary'' and inserting the following:

''(3) CONSULTATION.—The Secretary''; and

(D) in paragraph (4)—

(i) by striking ''(4) In determining'' and inserting the following:

''(4) BASIS FOR DETERMINATION.—In determining''; and

(ii) by striking subparagraphs (A) through (E) and inserting the following:

''(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

''(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

''(ii) a diversification of supply is warranted;

''(C) the energy independence of the United States would be served by the designation;

''(D) the designation would be in the interest of national energy policy; and

''(E) the designation would enhance national defense and homeland security.''; and

(2) by adding at the end the following:

''(l) RATES AND RECOVERY OF COSTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall promulgate regulations providing for the allocation and recovery of costs prudently incurred by public utilities in building and operating facilities authorized under this section for transmission of electric energy generated from clean sources (such as wind, solar energy, geothermal energy, and biomass).

''(2) APPLICABLE PROVISIONS.—All rates approved under the regulations promulgated under paragraph (1), including any revisions to the regulations, shall be subject to the requirements under sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.''.

SEC. 270. FEDERAL STANDBY POWER STANDARD.

(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, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

SEC. 270A. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) (as amended by section 266) is amended—

(1) in clause (i)(III), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) if life-cycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new or substantially modified Federal building be met through the installation and use of solar hot water heaters.''.

SEC. 270B. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the ''Program''), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

SEC. 270C. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'biomass'—

''(aa) means any organic material that is available on a renewable or recurring basis, including—

''(AA) agricultural crops;

''(BB) trees grown for energy production;

''(CC) wood waste and wood residues;

''(DD) plants (including aquatic plants and grasses);

''(EE) residues;

''(FF) fibers;

''(GG) animal wastes and other waste materials; and

''(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

''(bb) does not include—

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

''(BB) unsegregated solid waste;

''(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(III) the term 'renewable energy system' means a system of energy derived from—

''(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

''(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

''(I) purchasing a renewable energy system; or

''(II) an energy efficiency project for an existing business.''.

SEC. 270D. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''association'' means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term ''disability'' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term ''electric utility'' has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term ''on-bill financing'' means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term ''telecommuting'' means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(A) assist small business concerns in becoming more energy efficient; and

(B) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(3) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(A) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(B) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(i) oversee and administer the requirements under this subsection and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(ii) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(4) REPORTS.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

(c) SMALL BUSINESS ENERGY EFFICIENCY.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this subsection referred to as the ''Efficiency Pilot Program'') to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(v) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(B) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(A) GROUPINGS.—

(i) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in clauses (ii) through (xi) to participate in the pilot program established under this subsection.

(ii) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated from such sums as are already authorized under section 21 of the Small Business Act to carry out this subsection—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this subsection.

(10) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—In accordance with this subsection, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this subsection referred to as the ''Telecommuting Pilot Program'').

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

''(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

''(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

''(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

''(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

''(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'biomass'—

''(i) means any organic material that is available on a renewable or recurring basis, including—

''(I) agricultural crops;

''(II) trees grown for energy production;

''(III) wood waste and wood residues;

''(IV) plants (including aquatic plants and grasses);

''(V) residues;

''(VI) fibers;

''(VII) animal wastes and other waste materials; and

''(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

''(ii) does not include—

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

''(II) unsegregated solid waste;

''(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(C) the term 'renewable energy system' means a system of energy derived from—

''(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(ii) hydrogen derived from biomass or water using an energy source described in clause (i).''.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$700,000,000 for fiscal year 2008'' and inserting ''$750,000,000 for each of fiscal years 2008 through 2012''.

SEC. 272. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) 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.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 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.

''(6) RATE DESIGN 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) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(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.''.

SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

''SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

''(a) DEFINITIONS.—In this section

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an eligible unit of local government within a State; and

''(C) an Indian tribe.

''(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term 'eligible unit of local government' means—

''(A) a city with a population—

''(i) of at least 35,000; or

''(ii) that causes the city to be 1 of the top 10 most populous cities of the State in which the city is located; and

''(B) a county with a population—

''(i) of at least 200,000; or

''(ii) that causes the county to be 1 of the top 10 most populous counties of the State in which the county is located.

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

''(4) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(b) PURPOSE.—The purpose of this section is to assist State, Indian tribal, and local governments in implementing strategies—

''(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government in an environmentally sustainable way that, to the maximum extent practicable, maximizes benefits for local and regional communities;

''(2) to reduce the total energy use of the States, Indian tribes, and units of local government; and

''(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

''(c) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

''(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

''(3) ALLOCATION TO STATES, INDIAN TRIBES, AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

''(i) 68 percent to eligible units of local government;

''(ii) 28 percent to States; and

''(iii) 4 percent to Indian tribes.

''(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

''(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

''(C) DISTRIBUTION TO STATES.—

''(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

''(I) at least 1.25 percent to each State; and

''(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

''(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

''(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

''(D) DISTRIBUTION TO INDIAN TRIBES.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

''(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

''(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an activity relating to the implementation of an environmentally beneficial energy strategy.

''(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

''(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3); and

''(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

''(3) COST-SHARING REQUIREMENT.—

''(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

''(B) NON-FEDERAL SHARE.—

''(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

''(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

''(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, tribal, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

''(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States, Indian tribes, and units of local government that are not eligible entities or to consortia of such units of local government.

''(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, Indian tribe, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

''(A) States with populations of less than 2,000,000; and

''(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.''.

SEC. 276. 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 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 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 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.''.

SEC. 277. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c), the following:

''(d) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

''(1) PURPOSE.—It is the purpose of this subsection to—

''(A) create a sustainable, comprehensive public program that provides quality training that is linked to jobs that are created through renewable energy and energy efficiency initiatives;

''(B) satisfy industry demand for a skilled workforce, to support economic growth, to boost America's global competitiveness in the expanding energy efficiency and renewable energy industries, and to provide economic self-sufficiency and family-sustaining jobs for America's workers, including low wage workers, through quality training and placement in job opportunities in the growing energy efficiency and renewable energy industries;

''(C) provide grants for the safety, health, and skills training and education of workers who are, or may be engaged in, activities related to the energy efficiency and renewable energy industries; and

''(D) provide funds for national and State industry-wide research, labor market information and labor exchange programs, and the development of nationally and State administered training programs.

''(2) GRANT PROGRAM.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this subsection as 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 (3) 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 individuals eligible for training and other services shall include, but not be limited to—

''(I) veterans, or past and present members of the reserve components of the Armed Forces;

''(II) workers affected by national energy and environmental policy;

''(III) workers displaced by the impacts of economic globalization;

''(IV) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency;

''(V) formerly incarcerated, adjudicated, nonviolent offenders; and

''(VI) individuals in need of updated training related to the energy efficiency and renewable energy industries; and

''(ii) energy efficiency and renewable energy industries eligible for such assistance and services shall 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 bio-fuels industry; and

''(V) the deconstruction and materials use industries.

''(3) ACTIVITIES.—

''(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (2), the Secretary, acting through the Bureau of Labor Statistics, shall provide assistance to support national research to develop labor market data and to track future workforce trends resulting from energy-related initiatives carried out under this section. Activities carried out under this paragraph shall include—

''(i) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

''(ii) the tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

''(iii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

''(iv) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

''(v) collaborating with State agencies, industry, organized labor, and community and nonprofit organizations to disseminate successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology.

''(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out national 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.

''(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit 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 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 are, or will be engaged in, activities related to energy efficiency and renewable energy industries; and

''(cc) the ability to help workers achieve economic self-sufficiency.

''(iii) ACTIVITIES.—Activities to be carried out under a grant under this subparagraph may include—

''(I) the provision of occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(II) the provision of 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;

''(V) the provision of customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VI) the provision of career ladder and upgrade training; and

''(VII) the implementation of transitional jobs strategies.

''(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange informational programs that include the implementation of the activities described in clause (ii).

''(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 (2), 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) ACTIVITIES.—

''(I) IN GENERAL.—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.

''(II) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

''(aa) 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, worker investment agency one-stop career centers, community based organizations, community colleges, other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

''(bb) demonstrate experience in implementing and operating worker skills training and education programs; and

''(cc) demonstrate the ability to identify and involve in training programs, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries.

''(iii) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate linkages of activities under the grant with—

''(I) meeting national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

''(II) meeting State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases.

''(iv) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees, including providing—

''(I) outreach and recruitment services, in coordination with the appropriate State agency;

''(II) occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(III) safety and health training;

''(IV) basic skills, literacy, GED, English as a second language, and job readiness training;

''(V) individual referral and tuition assistance for a community college training program;

''(VI) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VII) career ladder and upgrade training; and

''(VIII) services under transitional jobs strategies.

''(4) WORKER PROTECTIONS AND NON-DISCRIMINATION 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 subsection, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $100,000,000 for each fiscal year, of which—

''(A) not to exceed 20 percent of the amount appropriated in each fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (3)(A) and State labor market information and labor exchange research under paragraph (3)(C); and

''(B) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (3)(B) and State energy training partnership grants under paragraph (3)(D).

''(6) DEFINITION.—In this subsection, the term 'renewable electric power' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).''.

SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. 279. DEFINITION OF STATE.

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.''.

SEC. 280. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

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

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authoirze the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 281. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

SEC. 282. ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

''(h) ADMINISTRATION.—

''(1) PERSONNEL APPOINTMENTS.—

''(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

''(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(2) COMPENSATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

''(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(C) APPLICABILITY OF SECTION 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

''(3) TEMPORARY SERVICES.—

''(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

''(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(4) FEES, CHARGES, AND COMMISSIONS.—

''(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as delineated in the Alaska Natural Gas Pipeline Act (15 U.S.C. 720 et seq.), as amended.

''(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.''.

SEC. 283. OFFSHORE RENEWABLE ENERGY.

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

(1) by inserting after ''Secretary of the Department in which the Coast Guard is operating'' the following: '', the Secretary of Commerce,'';

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

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

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

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

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

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

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

(3) by adding at the end the following:

''(11) CLARIFICATION.—

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

''(B) TRANSMISSION OF POWER.—Subparagraph (A) shall not affect any authority of the

Commission with respect to the transmission of power generated from a project described in subparagraph (A).''.

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

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

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 291. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—In this subtitle, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

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

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

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) EXCLUSION.—Except as provided in subsection (a)(3), the term ''marine and hydrokinetic renewable energy'' does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 292. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 293. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (e), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) COORDINATION.—Prior to carrying out any activity under this section in waters subject to the jurisdiction of the United States, the Secretary shall identify, in conjunction with the Secretary of Commerce and the Secretary of Interior, the potential environmental impacts of such activity and measures to minimize or prevent adverse impacts.

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

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Carbon Capture and Sequestration Act of 2007''.

SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

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 energy 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) ENERGY RESEARCH AND DEVELOPMENT UNDERLYING CARBON CAPTURE AND STORAGE TECHNOLOGIES AND CARBON USE ACTIVITIES.—

''(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, recycle, or reuse carbon dioxide.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

''(i) development of new or improved technologies for the capture and storage of carbon dioxide;

''(ii) development of new or improved technologies that reduce the cost and increase the efficacy of advanced 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;

''(v) research and development of new and improved technologies for—

''(I) carbon use, including recycling and reuse of carbon dioxide; and

''(II) the containment of carbon dioxide in the form of solid materials or products derived from a gasification technology that does not involve geologic containment or injection; and

''(vi) research and development of new and improved technologies for oxygen separation from air.

''(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 geological 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) coal-bed methane recovery.

''(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; and

''(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.

''(3) LARGE-SCALE TESTING AND DEPLOYMENT.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests involving at least 1,000,000 tons of carbon dioxide per year for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to collect and 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.

''(4) 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.

''(5) 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).

''(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

''(A) conduct a review of programmatic activities carried out under this subsection; and

''(B) make recommendations with respect to continuation of the activities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $150,000,000 for fiscal year 2008;

''(2) $200,000,000 for fiscal year 2009;

''(3) $200,000,000 for fiscal year 2010;

''(4) $180,000,000 for fiscal year 2011; and

''(5) $165,000,000 for fiscal year 2012.''.

SEC. 303. CARBON DIOXIDE STORAGE CAPACITY 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 work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy.

(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 title 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 and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(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 Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives 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.

SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL SOURCES OF CARBON DIOXIDE.—The term ''industrial sources of carbon dioxide'' means one or more facilities to—

(A) generate electric energy from fossil fuels;

(B) refine petroleum;

(C) manufacture iron or steel;

(D) manufacture cement or cement clinker;

(E) manufacture commodity chemicals (including from coal gasification);

(F) manufacture transportation fuels from coal; or

(G) manufacture biofuels.

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

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide.

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide;

(B) provides for the cost of transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) QUALIFICATIONS FOR AWARD.—To be eligible for an award under this section, a project proposal must include the following:

(A) CAPACITY.—The capture of not less than eighty-five percent of the produced carbon dioxide at the facility, and not less than 500,000 short tons of carbon dioxide per year.

(B) STORAGE AGREEMENT.—A binding agreement for the storage of all of the captured carbon dioxide in—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005, as amended by this Act; or

(ii) other geological storage projects approved by the Secretary.

(C) PURITY LEVEL.—A purity level of at least 95 percent carbon dioxide by volume for the captured carbon dioxide delivered for storage.

(D) COMMITMENT TO CONTINUED OPERATION OF SUCCESSFUL UNIT.—If the project successfully demonstrates capture and storage of carbon dioxide, a commitment to continued capture and storage of carbon dioxide after the conclusion of the demonstration.

(4) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 shall apply to this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 per year for fiscal years 2009 through 2013.

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading ''PUBLIC BUILDINGS'', under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR''—

(1) by striking ''ninety thousand dollars:'' and inserting ''$90,000.''; and

(2) by striking ''Provided, That hereafter the'' and all that follows through the end of the proviso and inserting the following:

''(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the 'Capitol

power plant', and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

''(b) CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.—

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

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(B) CARBON DIOXIDE ENERGY EFFICIENCY.—The term 'carbon dioxide energy efficiency', with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

''(C) PROGRAM.—The term 'program' means the competitive grant demonstration program established under paragraph (2)(B).

''(2) ESTABLISHMENT OF PROGRAM.—

''(A) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

''(i) the availability of carbon capture technologies;

''(ii) energy conservation and carbon reduction strategies; and

''(iii) security of operations at the Capitol power plant.

''(B) COMPETITIVE GRANT PROGRAM.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

''(3) REQUIREMENTS.—

''(A) PROVISION OF GRANTS.—

''(i) IN GENERAL.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

''(ii) FACTORS FOR CONSIDERATION.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

''(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

''(II) the carbon dioxide energy efficiency of the proposed project; and

''(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

''(B) REQUIREMENTS FOR ENTITIES.—An entity that receives a grant under the program shall—

''(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

''(I) by not less than 3 other facilities (including a coal-fired power plant); and

''(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

''(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

''(C) CONSISTENCY WITH CAPITOL POWER PLANT MODIFICATIONS.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

''(4) INCENTIVE.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

''(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

''(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

''(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

''(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.''.

SEC. 306. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term ''adaptation strategy'' means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term ''assessment'' means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term ''covered greenhouse gas'' means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term ''native plant species'' means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

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

(6) 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.

(7) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term ''terrestrial ecosystem'' means any ecological and surficial geological system on Federal land.

(B) INCLUSIONS.—The term ''terrestrial ecosystem'' includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) Federal forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the ''Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005''; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

SEC. 307. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of such sums previously authorized, there is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required under this section.

TITLE IV—COST-EFFECTIVE AND ENVIRONMENTALLY SUSTAINABLE PUBLIC BUILDINGS

Subtitle A—Public Buildings Cost Reduction

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Public Buildings Cost Reduction Act of 2007''.

SEC. 402. COST-EFFECTIVE AND GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices and geothermal heat pumps at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related and geothermal heat pump-related 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 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 cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA 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 cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA 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 lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GSA FACILITY 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 cost-effective technologies and practices and geothermal heat pump technologies is designated for each GSA 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) with respect to cost-effective technologies and practices—

(i) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(ii) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in clause (i);

(B) includes an estimate of the funds necessary to carry out this section;

(C) describes the status of the implementation of cost-effective technologies and practices and geothermal heat pump technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies or geothermal heat pump technologies;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices and geothermal heat pump technologies and practices;

(F) 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 cost-effective technologies and geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices and geothermal heat pump technologies and practices;

(G)(i) with respect to geothermal heat pump technologies, achieves substantial operational cost savings through the application of the technologies; and

(ii) with respect to cost-effective technologies and practices, achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(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.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall

achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices or geothermal heat pumps by not later than—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GEOTHERMAL HEAT PUMP.—The term ''geothermal heat pump'' means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(5) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA 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 ''GSA 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 ''GSA 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)).

Subtitle B—Installation of Photovoltaic System at Department of Energy Headquarters Building

SEC. 411. 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, Southwest, Washington, D.C., 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 alterations 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.

Subtitle C—High-Performance Green Buildings

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ''High-Performance Green Buildings Act of 2007''.

SEC. 422. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) high-performance green buildings—

(A) reduce energy, water, and material resource use and the generation of waste;

(B) improve indoor environmental quality, and protect indoor air quality by, for example, using materials that emit fewer or no toxic chemicals into the indoor air;

(C) improve thermal comfort;

(D) improve lighting and the acoustic environment;

(E) improve the health and productivity of individuals who live and work in the buildings;

(F) improve indoor and outdoor impacts of the buildings on human health and the environment;

(G) increase the use of environmentally preferable products, including biobased, recycled, and nontoxic products with lower lifecycle impacts; and

(H) increase opportunities for reuse of materials and for recycling;

(2) during the planning, design, and construction of a high-performance green building, the environmental and energy impacts of building location and site design, the minimization of energy and materials use, and the environmental impacts of the building are considered;

(3) according to the United States Green Building Council, certified green buildings, as compared to conventional buildings—

(A) use an average of 36 percent less total energy (and in some cases up to 50 to 70 percent less total energy);

(B) use 30 percent less water; and

(C) reduce waste costs, often by 50 to 90 percent;

(4) the benefits of high-performance green buildings are important, because in the United States, buildings are responsible for approximately—

(A) 39 percent of primary energy use;

(B) 12 percent of potable water use;

(C) 136,000,000 tons of building-related construction and demolition debris;

(D) 70 percent of United States resource consumption; and

(E) 70 percent of electricity consumption;

(5) green building certification programs can be highly beneficial by disseminating up-to-date information and expertise regarding high-performance green buildings, and by providing third-party verification of green building design, practices, and materials, and other aspects of buildings; and

(6) a July 2006 study completed for the General Services Administration, entitled ''Sustainable Building Rating Systems Summary,'' concluded that—

(A) green building standards are an important means to encourage better practices;

(B) the Leadership in Energy and Environmental Design (LEED) standard for green building certification is ''currently the dominant system in the United States market and is being adapted to multiple markets worldwide''; and

(C) there are other useful green building certification or rating programs in various stages of development and adoption, including the Green Globes program and other rating systems.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to encourage the Federal Government to act as an example for State and local governments, the private sector, and individuals by building high-performance green buildings that reduce energy use and environmental impacts;

(2) to establish an Office within the General Services Administration, and a Green Building Advisory Committee, to advance the goals of conducting research and development and public outreach, and to move the Federal Government toward construction of high-performance green buildings;

(3) to encourage States, local governments, and school systems to site, build, renovate, and operate high-performance green schools through the adoption of voluntary guidelines for those schools, the dissemination of grants, and the adoption of environmental health plans and programs;

(4) to strengthen Federal leadership on high-performance green buildings through the adoption of incentives for high-performance green buildings, and improved green procurement by Federal agencies; and

(5) to demonstrate that high-performance green buildings can and do provide significant benefits, in order to encourage wider adoption of green building practices, through the adoption of demonstration projects.

SEC. 423. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) COMMITTEE.—The term ''Committee'' means the Green Building Advisory Committee established under section 433(a).

(3) DIRECTOR.—The term ''Director'' means the individual appointed to the position established under section 431(a).

(4) 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.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building—

(A) that, during its life-cycle—

(i) reduces energy, water, and material resource use and the generation of waste;

(ii) improves indoor environmental quality, including protecting indoor air quality during construction, using low-emitting materials, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(iii) improves indoor and outdoor impacts of the building on human health and the environment;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) increases reuse and recycling opportunities; and

(vi) integrates systems in the building; and

(B) for which, during its planning, design, and construction, the environmental and energy impacts of building location and site design are considered.

(6) 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.

(7) 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.

(8) 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.

(9) OFFICE.—The term ''Office'' means the Office of High-Performance Green Buildings established under section 432(a).

PART I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 431. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 432; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the 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.

SEC. 432. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant Federal 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;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level green building advisory committee, which shall provide advice and recommendations in accordance with section 433;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 434, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 435;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 435;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 436; and

(9) complete and submit the report described in subsection (c).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this subtitle 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 in accordance with this subtitle; 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, as measured by the standard for high-performance green buildings identified in accordance with subsection (d);

(3) identifies inconsistencies, as reported to the 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, 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; and

(D) identifying short- 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 green building initiatives, including Executive orders, policies, or laws adopted promoting 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 (6).

(d) IDENTIFICATION OF STANDARD.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 60 days after the date of enactment of this Act, the Director shall identify a standard that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

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

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

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

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

(D) the ability of the standard to be developed and revised through a consensus-based process;

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

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

(ii) use of renewable energy sources;

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

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

(F) national recognition within the building industry.

(3) BIENNIAL REVIEW.—The Director shall—

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

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

(e) IMPLEMENTATION.—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

SEC. 433. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director shall establish an advisory committee, to be known as the ''Green Building Advisory Committee''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 432(b)(1); and

(B) other relevant agencies and entities, as determined by the Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations; and

(v) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 434. PUBLIC OUTREACH.

The Director, in coordination with the Committee, 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 related 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) other relevant organizations, including those from other countries;

(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, including 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; and

(6) using such other methods as are determined by the Director to be appropriate.

SEC. 435. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, and each of—

(i) 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) promotes 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;

(3) assist the budget and life-cycle costing functions of the Office under section 436;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) INDOOR AIR QUALITY.—The Director, in consultation with the Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 436. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.

(a) ESTABLISHMENT.—The Director, in coordination with the 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 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 decision-making; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

SEC. 437. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

PART II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 441. DEFINITION OF HIGH-PERFORMANCE SCHOOL.

In this part, the term ''high-performance school'' has the meaning given the term ''healthy, high-performance school building'' in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

SEC. 442. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, may provide grants to qualified State agencies for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development of State school environmental quality plans that include—

(A) standards for school building design, construction, and renovation; and

(B) identification of ongoing school building environmental problems in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

SEC. 443. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop voluntary school site selection guidelines that account for—

(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

(2) modes of transportation available to students and staff;

(3) the efficient use of energy; and

(4) the potential use of a school at the site as an emergency shelter.

SEC. 444. PUBLIC OUTREACH.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide to the Director information relating to all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 445. ENVIRONMENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

(1) takes into account the status and findings of Federal research initiatives established under this subtitle and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

(A) health, safety, and productivity; and

(B) disabilities or special needs;

(2) provides research using relevant tools identified or developed in accordance with section 435(a) to quantify the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling 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 school facilities;

(3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(5) assists States and the public in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available—

(1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and

(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 446. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

PART III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 451. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director 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.

SEC. 452. 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 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, to the maximum extent practicable—

(A) to employ integrated design principles;

(B) to optimize building and systems energy performance;

(C) to protect and conserve water;

(D) to enhance indoor environmental quality; and

(E) 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, to the maximum extent practicable—

(A) are energy-efficient; and

(B) 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 shall issue guidance to all Federal procurement executives providing direction and the option to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 453. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle; and

(2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436;

(2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;

(3) the performance of the Office in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Director shall consult with the Committee to enhance, and assist in the implementation of, the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 454. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

PART IV—DEMONSTRATION PROJECT

SEC. 461. COORDINATION OF GOALS.

(a) IN GENERAL.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

(b) PROJECTS.—

(1) IN GENERAL.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in part I, the Director shall carry out 3 demonstration projects.

(2) LOCATION OF PROJECTS.—Each project carried out under paragraph (1) shall be located in a Federal building in a State recommended by the Director in accordance with subsection (c).

(3) REQUIREMENTS.—Each project carried out under paragraph (1) shall—

(A) provide for the evaluation of the information obtained through the conduct of projects and activities under this subtitle; and

(B) achieve the highest available rating under the standard identified pursuant to section 432(d).

(c) CRITERIA.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(1) be an appropriate model for a project relating to—

(A) the effectiveness of high-performance technologies;

(B) analysis of materials, components, and systems, including the impact on the health of building occupants;

(C) life-cycle costing and life-cycle assessment of building materials and systems; and

(D) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(2) possess sufficient technological and organizational adaptability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013, the Director shall submit to the Administrator a report that describes the status of and findings regarding the demonstration project.

SEC. 462. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the Federal demonstration project described in section 461(b) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

''(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the

United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

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

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)-(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or nonpassenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles

of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall, establish and implement an action plan which takes into consideration the availability and cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SEC. 521. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable 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 Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure 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).

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Petroleum Consumer Price Gouging Protection Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term ''supplier'' means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil gasoline or petroleum distillate was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates; and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) IN GENERAL.—During any energy emergency declared by the President under section 606 of this Act, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline or petroleum distillates subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline or other petroleum distillate the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 603 of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 606 of this Act, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, or petroleum distillates in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 603 of this Act, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 603 of this Act, or to impose the civil penalties authorized by section 609 for violations of section 603, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline or petroleum distillates in violation of section 603 of this Act.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 604 or section 605 of this Act is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 603 of this Act is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 603 of this Act is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 610. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Energy Diplomacy and Security Act of 2007''.

SEC. 702. DEFINITIONS.

In this title:

(1) MAJOR ENERGY PRODUCER.—The term ''major energy producer'' means a country that—

(A) had crude oil, oil sands, or natural gas to liquids production of 1,000,000 barrels per day or greater average in the previous year;

(B) has crude oil, shale oil, or oil sands reserves of 6,000,000,000 barrels or greater, as recognized by the Department of Energy;

(C) had natural gas production of 30,000,000,000 cubic meters or greater in the previous year;

(D) has natural gas reserves of 1,250,000,000,000 cubic meters or greater, as recognized by the Department of Energy; or

(E) is a direct supplier of natural gas or liquefied natural gas to the United States.

(2) MAJOR ENERGY CONSUMER.—The term ''major energy consumer'' means a country that—

(A) had an oil consumption average of 1,000,000 barrels per day or greater in the previous year;

(B) had an oil consumption growth rate of 8 percent or greater in the previous year;

(C) had a natural gas consumption of 30,000,000,000 cubic meters or greater in the previous year; or

(D) had a natural gas consumption growth rate of 15 percent or greater in the previous year.

SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY AND SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is imperative to the national security and prosperity of the United States to have reliable, affordable, clean, sufficient, and sustainable sources of energy.

(2) United States dependence on oil imports causes tremendous costs to the United States national security, economy, foreign policy, military, and environmental sustainability.

(3) Energy security is a priority for the governments of many foreign countries and increasingly plays a central role in the relations of the United States Government with foreign governments. Global reserves of oil and natural gas are concentrated in a small number of countries. Access to these oil and natural gas supplies depends on the political will of these producing states. Competition between governments for access to oil and natural gas reserves can lead to economic, political, and armed conflict. Oil exporting states have received dramatically increased revenues due to high global prices, enhancing the ability of some of these states to act in a manner threatening to global stability.

(4) Efforts to combat poverty and protect the environment are hindered by the continued predominance of oil and natural gas in meeting global energy needs. Development of renewable energy through sustainable practices will help lead to a reduction in greenhouse gas emissions and enhance international development.

(5) Cooperation on energy issues between the United States Government and the governments of foreign countries is critical for securing the strategic and economic interests of the United States and of partner governments. In the current global energy situation, the energy policies and activities of the governments of foreign countries can have dramatic impacts on United States energy security.

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

(1) United States national security requires that the United States Government have an energy policy that pursues the strategic goal of achieving energy security through access to clean, affordable, sufficient, reliable, and sustainable sources of energy;

(2) achieving energy security is a priority for United States foreign policy and requires continued and enhanced engagement with foreign governments and entities in a variety of areas, including activities relating to the promotion of alternative and renewable fuels, trade and investment in oil, coal, and natural gas, energy efficiency, climate and environmental protection, data transparency, advanced scientific research, public-private partnerships, and energy activities in international development;

(3) the President should ensure that the international energy activities of the United States Government are given clear focus to support the national security needs of the United States, and to this end, there should be established a mechanism to coordinate the implementation of United States international energy policy among the Federal agencies engaged in relevant agreements and activities; and

(4) the Secretary of State should ensure that energy security is integrated into the core mission of the Department of State, and to this end, there should be established within the Office of the Secretary of State a Coordinator for International Energy Affairs with responsibility for—

(A) developing United States international energy policy in coordination with the Department of Energy and other relevant Federal agencies;

(B) working with appropriate United States Government officials to develop and update analyses of the national security implications of global energy developments;

(C) incorporating energy security priorities into the activities of the Department;

(D) coordinating activities with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions currently undertaken by offices within the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Democracy and Global Affairs, and other offices within the Department of State.

(5) the Department of Energy should be designated as the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States, and in furtherance of these goals, there should be established within the Department of Energy an Assistant Secretary of Energy for Energy Security whose responsibilities should include—

(A) directing the development of the national energy security strategy of the United States;

(B) coordinating the national energy security policy of the United States with the Department of Defense, the Department of State, and the National Security Council, as appropriate, to address the impact of, and integrate national security and foreign policy on, the national energy security policy of the United States;

(C) monitoring international and domestic energy developments to gauge their impact on the national energy security policy of the United States and implementing changes in such policy as necessary to maintain the national security and energy security of the United States;

(D) identifying foreign sources of energy critical to the national energy security of the United States and developing strategies in conjunction with the Department of State for ensuring United States access to critical foreign energy resources;

(E) developing strategies for reducing United States dependence on foreign sources of energy, including demand reduction, efficiency improvement, and development of alternative and new sources of domestic energy; and

(F) developing strategies in conjunction with the Department of State for working with major international producers and consumers, including China, Russia, the European Union, and Africa, to minimize politicization of global energy resources while ensuring access through global energy markets.

SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States Government partnership with foreign governments and entities, including partnership with the private sector, for securing reliable and sustainable energy is imperative to ensuring United States security and economic interests, promoting international peace and security, expanding international development, supporting democratic reform, fostering economic growth, and safeguarding the environment.

(2) Democracy and freedom should be promoted globally by partnership with foreign governments, including in particular governments of emerging democracies such as those of Ukraine and Georgia, in their efforts to reduce their dependency on oil and natural gas imports.

(3) The United States Government and the governments of foreign countries have common needs for adequate, reliable, affordable, clean, and sustainable energy in order to ensure national security, economic growth, and high standards of living in their countries. Cooperation by the United States Government with foreign governments on meeting energy security needs is mutually beneficial. United States Government partnership with foreign governments should include cooperation with major energy consuming countries, major energy producing countries, and other governments seeking to advance global energy security through reliable and sustainable means.

(4) The United States Government participates in hundreds of bilateral and multilateral energy agreements and activities with foreign governments and entities. These agreements and activities should reflect the strategic need for energy security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance global energy security through cooperation with foreign governments and entities;

(2) to promote reliable, diverse, and sustainable sources of all types of energy;

(3) to increase global availability of renewable and clean sources of energy;

(4) to decrease global dependence on oil and natural gas energy sources; and

(5) to engage in energy cooperation to strengthen strategic partnerships that advance peace, security, and democratic prosperity.

(c) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish and expand strategic energy partnerships with the governments of major energy producers and major energy consumers, and with governments of other countries (but excluding any countries that are ineligible to receive United States economic or military assistance).

(d) PURPOSES.—The purposes of the strategic energy partnerships established pursuant to subsection (c) are—

(1) to strengthen global relationships to promote international peace and security through fostering cooperation in the energy sector on a mutually beneficial basis in accordance with respective national energy policies;

(2) to promote the policy set forth in subsection (b), including activities to advance—

(A) the mutual understanding of each country's energy needs, priorities, and policies, including interparliamentary understanding;

(B) measures to respond to acute energy supply disruptions, particularly in regard to petroleum and natural gas resources;

(C) long-term reliability and sustainability in energy supply;

(D) the safeguarding and safe handling of nuclear fuel;

(E) human and environmental protection;

(F) renewable energy production;

(G) access to reliable and affordable energy for underdeveloped areas, in particular energy access for the poor;

(H) appropriate commercial cooperation;

(I) information reliability and transparency; and

(J) research and training collaboration;

(3) to advance the national security priority of developing sustainable and clean energy

sources, including through research and development related to, and deployment of—

(A) renewable electrical energy sources, including biomass, wind, and solar;

(B) renewable transportation fuels, including biofuels;

(C) clean coal technologies;

(D) carbon sequestration, including in conjunction with power generation, agriculture, and forestry; and

(E) energy and fuel efficiency, including hybrids and plug-in hybrids, flexible fuel, advanced composites, hydrogen, and other transportation technologies; and

(4) to provide strategic focus for current and future United States Government activities in energy cooperation to meet the global need for energy security.

(e) DETERMINATION OF AGENDAS.—In general, the specific agenda with respect to a particular strategic energy partnership, and the Federal agencies designated to implement related activities, shall be determined by the Secretary of State and the Secretary of Energy.

(f) USE OF CURRENT AGREEMENTS TO ESTABLISH PARTNERSHIPS.—Some or all of the purposes of the strategic energy partnerships established under subsection (c) may be pursued through existing bilateral or multilateral agreements and activities. Such agreements and activities shall be subject to the reporting requirements in subsection (g).

(g) REPORTS REQUIRED.—

(1) INITIAL PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made in developing the strategic energy partnerships authorized under this section.

(2) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 20 years, the Secretary of State shall submit to the appropriate congressional committees an annual report on agreements entered into and activities undertaken pursuant to this section, including international environment activities.

(B) CONTENT.—Each report submitted under this paragraph shall include details on—

(i) agreements and activities pursued by the United States Government with foreign governments and entities, the implementation plans for such agreements and progress measurement benchmarks, United States Government resources used in pursuit of such agreements and activities, and legislative changes recommended for improved partnership; and

(ii) polices and actions in the energy sector of partnership countries pertinent to United States economic, security, and environmental interests.

SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE MECHANISMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and governments of other countries during energy crises promotes the national security of the United States.

(2) The participation of the United States in the International Energy Program established under the Agreement on an International Energy Program, done at Paris November 18, 1974 (27 UST 1685), including in the coordination of national strategic petroleum reserves, is a national security asset that—

(A) protects the consumers and the economy of the United States in the event of a major disruption in petroleum supply;

(B) maximizes the effectiveness of the United States strategic petroleum reserve through cooperation in accessing global reserves of various petroleum products;

(C) provides market reassurance in countries that are members of the International Energy Program; and

(D) strengthens United States Government relationships with members of the International Energy Program.

(3) The International Energy Agency projects that the largest growth in demand for petroleum products, other than demand from the United States, will come from China and India, which are not members of the International Energy Program. The Governments of China and India vigorously pursue access to global oil reserves and are attempting to develop national petroleum reserves. Participation of the Governments of China and India in an international petroleum reserve mechanism would promote global energy security, but such participation should be conditional on the Governments of China and India abiding by customary petroleum reserve management practices.

(4) In the Western Hemisphere, only the United States and Canada are members of the International Energy Program. The vulnerability of most Western Hemisphere countries to supply disruptions from political, natural, or terrorism causes may introduce instability in the hemisphere and can be a source of conflict, despite the existence of major oil reserves in the hemisphere.

(5) Countries that are not members of the International Energy Program and are unable to maintain their own national strategic reserves are vulnerable to petroleum supply disruption. Disruption in petroleum supply and spikes in petroleum costs could devastate the economies of developing countries and could cause internal or interstate conflict.

(6) The involvement of the United States Government in the extension of international mechanisms to coordinate strategic petroleum reserves and the extension of other emergency preparedness measures should strengthen the current International Energy Program.

(b) ENERGY CRISIS RESPONSE MECHANISMS WITH INDIA AND CHINA.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a petroleum crisis response mechanism or mechanisms with the Governments of China and India.

(2) SCOPE.—The mechanism or mechanisms established under paragraph (1) should include—

(A) technical assistance in the development and management of national strategic petroleum reserves;

(B) agreements for coordinating drawdowns of strategic petroleum reserves with the United States, conditional upon reserve holdings and management conditions established by the Secretary of Energy;

(C) emergency demand restraint measures;

(D) fuel switching preparedness and alternative fuel production capacity; and

(E) ongoing demand intensity reduction programs.

(3) USE OF EXISTING AGREEMENTS TO ESTABLISH MECHANISM.—The Secretary may, after consultation with Congress and in accordance with existing international agreements, including the International Energy Program, include China and India in a petroleum crisis response mechanism through existing or new agreements.

(c) ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a Western Hemisphere energy crisis response mechanism.

(2) SCOPE.—The mechanism established under paragraph (1) should include—

(A) an information sharing and coordinating mechanism in case of energy supply emergencies;

(B) technical assistance in the development and management of national strategic petroleum reserves within countries of the Western Hemisphere;

(C) technical assistance in developing national programs to meet the requirements of membership in a future international energy application procedure as described in subsection (d);

(D) emergency demand restraint measures;

(E) energy switching preparedness and alternative energy production capacity; and

(F) ongoing demand intensity reduction programs.

(3) MEMBERSHIP.—The Secretary should seek to include in the Western Hemisphere energy crisis response mechanism membership for each major energy producer and major energy consumer in the Western Hemisphere and other members of the Hemisphere Energy Cooperation Forum authorized under section 706.

(d) INTERNATIONAL ENERGY PROGRAM APPLICATION PROCEDURE.—

(1) AUTHORITY.—The President should place on the agenda for discussion at the Governing Board of the International Energy Agency, as soon as practicable, the merits of establishing an international energy program application procedure.

(2) PURPOSE.—The purpose of such procedure is to allow countries that are not members of the International Energy Program to apply to the Governing Board of the International Energy Agency for allocation of petroleum reserve stocks in times of emergency on a grant or loan basis. Such countries should also receive technical assistance for, and be subject to, conditions requiring development and management of national programs for energy emergency preparedness, including demand restraint, fuel switching preparedness, and development of alternative fuels production capacity.

(e) REPORTS REQUIRED.—

(1) PETROLEUM RESERVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report that evaluates the options for adapting the United States national strategic petroleum reserve and the international petroleum reserve coordinating mechanism in order to carry out this section.

(2) CRISIS RESPONSE MECHANISMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees a report on the status of the establishment of the international petroleum crisis response mechanisms described in subsections (b) and (c). The report shall include recommendations of the Secretary of State and the Secretary of Energy for any legislation necessary to establish or carry out such mechanisms.

(3) EMERGENCY APPLICATION PROCEDURE.—Not later than 60 days after a discussion by the Governing Board of the International Energy Agency of the application procedure described under subsection (d), the President should submit to Congress a report that describes—

(A) the actions the United States Government has taken pursuant to such subsection; and

(B) a summary of the debate on the matter before the Governing Board of the International Energy Agency, including any decision that has been reached by the Governing Board with respect to the matter.

SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The engagement of the United States Government with governments of countries in the Western Hemisphere is a strategic priority for reducing the potential for tension over energy resources, maintaining and expanding reliable energy supplies, expanding use of renewable energy, and reducing the detrimental effects of energy import dependence within the hemisphere. Current energy dialogues should be expanded and refocused as needed to meet this challenge.

(2) Countries of the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral relationships among countries of the hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, coal, and has significant opportunity

for production of renewable hydro, solar, wind, and other energies. Countries of the Western Hemisphere can provide convenient and reliable markets for trade in energy goods and services.

(3) Development of sustainable energy alternatives in the countries of the Western Hemisphere can improve energy security, balance of trade, and environmental quality and provide markets for energy technology and agricultural products. Brazil and the United States have led the world in the production of ethanol, and deeper cooperation on biofuels with other countries of the hemisphere would extend economic and security benefits.

(4) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere.

(b) HEMISPHERE ENERGY COOPERATION FORUM.—

(1) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a regional-based ministerial forum to be known as the Hemisphere Energy Cooperation Forum.

(2) PURPOSES.—The Hemisphere Energy Cooperation Forum should seek—

(A) to strengthen relationships between the United States and other countries of the Western Hemisphere through cooperation on energy issues;

(B) to enhance cooperation between major energy producers and major energy consumers in the Western Hemisphere, particularly among the governments of Brazil, Canada, Mexico, the United States, and Venezuela;

(C) to ensure that energy contributes to the economic, social, and environmental enhancement of the countries of the Western Hemisphere;

(D) to provide an opportunity for open dialogue and joint commitments between member governments and with private industry; and

(E) to provide participating countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere that are practical in policy terms and politically acceptable.

(3) ACTIVITIES.—The Hemisphere Energy Cooperation Forum should implement the following activities:

(A) An Energy Crisis Initiative that will establish measures to respond to temporary energy supply disruptions, including through—

(i) strengthening sea-lane and infrastructure security;

(ii) implementing a real-time emergency information sharing system;

(iii) encouraging members to have emergency mechanisms and contingency plans in place; and

(iv) establishing a Western Hemisphere energy crisis response mechanism as authorized under section 705(c).

(B) An Energy Sustainability Initiative to facilitate long-term supply security through fostering reliable supply sources of fuels, including development, deployment, and commercialization of technologies for sustainable renewable fuels within the region, including activities that—

(i) promote production and trade in sustainable energy, including energy from biomass;

(ii) facilitate investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), energy efficiency (including automotive efficiency), clean fossil energy, renewable energy, and carbon sequestration;

(iii) promote regional infrastructure and market integration;

(iv) develop effective and stable regulatory frameworks;

(v) develop renewable fuels standards and renewable portfolio standards;

(vi) establish educational training and exchange programs between member countries; and

(vii) identify and remove barriers to trade in technology, services, and commodities.

(C) An Energy for Development Initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including activities that—

(i) increase access to energy services for the poor;

(ii) improve energy sector market conditions;

(iii) promote rural development though biomass energy production and use;

(iv) increase transparency of, and participation in, energy infrastructure projects;

(v) promote development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies; and

(vi) facilitate use of carbon sequestration methods in agriculture and forestry and linking greenhouse gas emissions reduction programs to international carbon markets.

(c) HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, should approach the governments of other countries in the Western Hemisphere to seek cooperation in establishing a Hemisphere Energy Industry Group, to be coordinated by the United States Government, involving industry representatives and government representatives from the Western Hemisphere.

(2) PURPOSE.—The purpose of the forum should be to increase public-private partnerships, foster private investment, and enable countries of the Western Hemisphere to devise energy agendas compatible with industry capacity and cognizant of industry goals.

(3) TOPICS OF DIALOGUES.—Topics for the forum should include—

(A) promotion of a secure investment climate;

(B) development and deployment of biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon sequestration;

(C) development and deployment of energy efficient technologies and practices, including in the industrial, residential, and transportation sectors;

(D) investment in oil and natural gas production and distribution;

(E) transparency of energy production and reserves data;

(F) research promotion; and

(G) training and education exchange programs.

(d) ANNUAL REPORT.—The Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees an annual report on the implementation of this section, including the strategy and benchmarks for measurement of progress developed under this section.

SEC. 707. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) the Secretary of Energy;''.

SEC. 708. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 709. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SEC. 710. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2007'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the

United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SEC. 711. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(J) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

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

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

Amend the title so as to read: ''An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.''.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 846, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Dingell moves that the House concur in each of the Senate amendments to H.R. 6 with the respective amendment printed in the report of the Committee on Rules accompanying such resolution.

The text of the House amendments to the Senate amendments is as follows:

House amendments to Senate amendments:

In lieu of the matter proposed to be inserted for the text of the bill, H.R. 6, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Independence and Security Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Relationship to other law.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

Sec. 101. Short title.
Sec. 102. Average fuel economy standards for automobiles and certain other vehicles.
Sec. 103. Definitions.
Sec. 104. Credit trading program.
Sec. 105. Consumer information.
Sec. 106. Continued applicability of existing standards.
Sec. 107. National Academy of Sciences studies.
Sec. 108. National Academy of Sciences study of medium-duty and heavy-duty truck fuel economy.
Sec. 109. Extension of flexible fuel vehicle credit program.
Sec. 110. Periodic review of accuracy of fuel economy labeling procedures.
Sec. 111. Consumer tire information.
Sec. 112. Use of civil penalties for research and development.
Sec. 113. Exemption from separate calculation requirement.

Subtitle B—Improved Vehicle Technology

Sec. 131. Transportation electrification.
Sec. 132. Domestic manufacturing conversion grant program.
Sec. 133. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 134. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 135. Advanced battery loan guarantee program.
Sec. 136. Advanced technology vehicles manufacturing incentive program.

Subtitle C—Federal Vehicle Fleets

Sec. 141. Federal vehicle fleets.
Sec. 142. Federal fleet conservation requirements.

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

Sec. 201. Definitions.
Sec. 202. Renewable fuel standard.
Sec. 203. Study of impact of Renewable Fuel Standard.
Sec. 204. Environmental and resource conservation impacts.
Sec. 205. Biomass based diesel and biodiesel labeling.
Sec. 206. Study of credits for use of renewable electricity in electric vehicles.
Sec. 207. Grants for production of advanced biofuels.
Sec. 208. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 209. Anti-backsliding.
Sec. 210. Effective date, savings provision, and transition rules.

Subtitle B—Biofuels Research and Development

Sec. 221. Biodiesel.
Sec. 222. Biogas.
Sec. 223. Grants for biofuel production research and development in certain States.
Sec. 224. Biorefinery energy efficiency.
Sec. 225. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 226. Study of engine durability and performance associated with the use of biodiesel.
Sec. 227. Study of optimization of biogas used in natural gas vehicles.
Sec. 228. Algal biomass.
Sec. 229. Biofuels and biorefinery information center.
Sec. 230. Cellulosic ethanol and biofuels research.
Sec. 231. Bioenergy research and development, authorization of appropriation.
Sec. 232. Environmental research and development.
Sec. 233. Bioenergy research centers.
Sec. 234. University based research and development grant program.

Subtitle C—Biofuels Infrastructure

Sec. 241. Prohibition on franchise agreement restrictions related to renewable fuel infrastructure.
Sec. 242. Renewable fuel dispenser requirements.
Sec. 243. Ethanol pipeline feasibility study.
Sec. 244. Renewable fuel infrastructure grants.
Sec. 245. Study of the adequacy of transportation of domestically-produced renewable fuel by railroads and other modes of transportation.
Sec. 246. Federal fleet fueling centers.
Sec. 247. Standard specifications for biodiesel.
Sec. 248. Biofuels distribution and advanced biofuels infrastructure.

Subtitle D—Environmental Safeguards

Sec. 251. Waiver for fuel or fuel additives.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

Sec. 301. External power supply efficiency standards.
Sec. 302. Updating appliance test procedures.
Sec. 303. Residential boilers.
Sec. 304. Furnace fan standard process.
Sec. 305. Improving schedule for standards updating and clarifying State authority.
Sec. 306. Regional standards for furnaces, central air conditioners, and heat pumps.
Sec. 307. Procedure for prescribing new or amended standards.
Sec. 308. Expedited rulemakings.
Sec. 309. Battery chargers.
Sec. 310. Standby mode.
Sec. 311. Energy standards for home appliances.
Sec. 312. Walk-in coolers and walk-in freezers.
Sec. 313. Electric motor efficiency standards.
Sec. 314. Standards for single package vertical air conditioners and heat pumps.
Sec. 315. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 316. Technical corrections.

Subtitle B—Lighting Energy Efficiency

Sec. 321. Efficient light bulbs.
Sec. 322. Incandescent reflector lamp efficiency standards.
Sec. 323. Public building energy efficient and renewable energy systems.
Sec. 324. Metal halide lamp fixtures.
Sec. 325. Energy efficiency labeling for consumer electronic products.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

Sec. 401. Definitions.

Subtitle A—Residential Building Efficiency

Sec. 411. Reauthorization of weatherization assistance program.
Sec. 412. Study of renewable energy rebate programs.
Sec. 413. Energy code improvements applicable to manufactured housing.

Subtitle B—High-Performance Commercial Buildings

Sec. 421. Commercial high-performance green buildings.
Sec. 422. Zero Net Energy Commercial Buildings Initiative.
Sec. 423. Public outreach.

Subtitle C—High-Performance Federal Buildings

Sec. 431. Energy reduction goals for Federal buildings.
Sec. 432. Management of energy and water efficiency in Federal buildings.
Sec. 433. Federal building energy efficiency performance standards.
Sec. 434. Management of Federal building efficiency .
Sec. 435. Leasing.
Sec. 436. High-performance green Federal buildings.
Sec. 437. Federal green building performance.
Sec. 438. Storm water runoff requirements for Federal development projects.
Sec. 439. Cost-effective technology acceleration program.
Sec. 440. Authorization of appropriations.
Sec. 441. Public building life-cycle costs.

Subtitle D—Industrial Energy Efficiency

Sec. 451. Industrial energy efficiency.
Sec. 452. Energy-intensive industries program.
Sec. 453. Energy efficiency for data center buildings.

Subtitle E—Healthy High-Performance Schools

Sec. 461. Healthy high-performance schools.
Sec. 462. Study on indoor environmental quality in schools.

Subtitle F—Institutional Entities

Sec. 471. Energy sustainability and efficiency grants and loans for institutions.

Subtitle G—Public and Assisted Housing

Sec. 481. Application of International Energy Conservation Code to public and assisted housing.

Subtitle H—General Provisions

Sec. 491. Demonstration project.
Sec. 492. Research and development.
Sec. 493. Environmental Protection Agency demonstration grant program for local governments.
Sec. 494. Green Building Advisory Committee.
Sec. 495. Advisory Committee on Energy Efficiency Finance.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

Sec. 501. Capitol complex photovoltaic roof feasibility studies.
Sec. 502. Capitol complex E–85 refueling station.
Sec. 503. Energy and environmental measures in Capitol complex master plan.
Sec. 504. Promoting maximum efficiency in operation of Capitol power plant.
Sec. 505. Capitol power plant carbon dioxide emissions feasibility study and demonstration projects.

Subtitle B—Energy Savings Performance Contracting

Sec. 511. Authority to enter into contracts; reports.
Sec. 512. Financing flexibility.
Sec. 513. Promoting long-term energy savings performance contracts and verifying savings.
Sec. 514. Permanent reauthorization.

Sec. 515. Definition of energy savings.
Sec. 516. Retention of savings.
Sec. 517. Training Federal contracting officers to negotiate energy efficiency contracts.
Sec. 518. Study of energy and cost savings in nonbuilding applications.

Subtitle C—Energy Efficiency in Federal Agencies

Sec. 521. Installation of photovoltaic system at Department of Energy headquarters building.
Sec. 522. Prohibition on incandescent lamps by Coast Guard.
Sec. 523. Standard relating to solar hot water heaters.
Sec. 524. Federally-procured appliances with standby power.
Sec. 525. Federal procurement of energy efficient products.
Sec. 526. Procurement and acquisition of alternative fuels.
Sec. 527. Government efficiency status reports.
Sec. 528. OMB government efficiency reports and scorecards.
Sec. 529. Electricity sector demand response.

Subtitle D—Energy Efficiency of Public Institutions

Sec. 531. Reauthorization of State energy programs.
Sec. 532. Utility energy efficiency programs.

Subtitle E—Energy Efficiency and Conservation Block Grants

Sec. 541. Definitions.
Sec. 542. Energy Efficiency and Conservation Block Grant Program.
Sec. 543. Allocation of funds.
Sec. 544. Use of funds.
Sec. 545. Requirements for eligible entities.
Sec. 546. Competitive grants.
Sec. 547. Review and evaluation.
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TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

Sec. 601. Short title.
Sec. 602. Thermal energy storage research and development program.
Sec. 603. Concentrating solar power commercial application studies.
Sec. 604. Solar energy curriculum development and certification grants.
Sec. 605. Daylighting systems and direct solar light pipe technology.
Sec. 606. Solar Air Conditioning Research and Development Program.
Sec. 607. Photovoltaic demonstration program.

Subtitle B—Geothermal Energy

Sec. 611. Short title.
Sec. 612. Definitions.
Sec. 613. Hydrothermal research and development.
Sec. 614. General geothermal systems research and development.
Sec. 615. Enhanced geothermal systems research and development.
Sec. 616. Geothermal energy production from oil and gas fields and recovery and production of geopressured gas resources.
Sec. 617. Cost sharing and proposal evaluation.
Sec. 618. Center for geothermal technology transfer.
Sec. 619. GeoPowering America.
Sec. 620. Educational pilot program.
Sec. 621. Reports.
Sec. 622. Applicability of other laws.
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Sec. 624. International geothermal energy development.
Sec. 625. High cost region geothermal energy grant program.

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

Sec. 631. Short title.
Sec. 632. Definition.
Sec. 633. Marine and hydrokinetic renewable energy research and development.
Sec. 634. National Marine Renewable Energy Research, Development, and Demonstration Centers.
Sec. 635. Applicability of other laws.
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Subtitle D—Energy Storage for Transportation and Electric Power

Sec. 641. Energy storage competitiveness.

Subtitle E—Miscellaneous Provisions

Sec. 651. Lightweight materials research and development.
Sec. 652. Commercial insulation demonstration program.
Sec. 653. Technical criteria for clean coal power Initiative.
Sec. 654. H-Prize.
Sec. 655. Bright Tomorrow Lighting Prizes.
Sec. 656. Renewable Energy innovation manufacturing partnership.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

Sec. 701. Short title.
Sec. 702. Carbon capture and sequestration research, development, and demonstration program.
Sec. 703. Carbon capture.
Sec. 704. Review of large-scale programs.
Sec. 705. Geologic sequestration training and research.
Sec. 706. Relation to Safe Drinking Water Act.
Sec. 707. Safety research.
Sec. 708. University based research and development grant program.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

Sec. 711. Carbon dioxide sequestration capacity assessment.
Sec. 712. Assessment of carbon sequestration and methane and nitrous oxide emissions from ecosystems.
Sec. 713. Carbon dioxide sequestration inventory.
Sec. 714. Framework for geological carbon sequestration on public land.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

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Sec. 802. Alaska Natural Gas Pipeline administration.
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Sec. 805. Assessment of resources.
Sec. 806. Sense of Congress relating to the use of renewable resources to generate energy.
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Sec. 811. Prohibition on market manipulation.
Sec. 812. Prohibition on false information.
Sec. 813. Enforcement by the Federal Trade Commission.
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Sec. 911. United States assistance for developing countries.
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Sec. 913. United States trade missions to encourage private sector trade and investment.
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Subtitle B—International Clean Energy Foundation

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Sec. 922. Establishment and management of Foundation.
Sec. 923. Duties of Foundation.
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Sec. 925. Powers of the Foundation; related provisions.
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Sec. 931. Energy diplomacy and security within the Department of State.
Sec. 932. National Security Council reorganization.
Sec. 933. Annual national energy security strategy report.
Sec. 934. Convention on Supplementary Compensation for Nuclear Damage contingent cost allocation.
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TITLE X—GREEN JOBS

Sec. 1001. Short title.
Sec. 1002. Energy efficiency and renewable energy worker training program.

TITLE XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

Sec. 1101. Office of Climate Change and Environment.

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Sec. 1111. Advanced technology locomotive grant pilot program.
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Sec. 1121. Short sea transportation initiative.
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Subtitle D—Highways

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TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

Sec. 1201. Express loans for renewable energy and energy efficiency.
Sec. 1202. Pilot program for reduced 7(a) fees for purchase of energy efficient technologies.
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Sec. 1205. Energy saving debentures.
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TITLE XIII—SMART GRID
Sec. 1301. Statement of policy on modernization of electricity grid.
Sec. 1302. Smart grid system report.
Sec. 1303. Smart grid advisory committee and smart grid task force.
Sec. 1304. Smart grid technology research, development, and demonstration.
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Sec. 1306. Federal matching fund for smart grid investment costs.
Sec. 1307. State consideration of smart grid.
Sec. 1308. Study of the effect of private wire laws on the development of combined heat and power facilities.
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TITLE XIV—RENEWABLE ELECTRICITY STANDARD
Sec. 1401. Renewable electricity standard.
TITLE XV—CLEAN RENEWABLE ENERGY AND CONSERVATION TAX ACT OF 2007
Sec. 1500. Short title; amendment of 1986 Code; table of contents.
Subtitle A—Clean Renewable Energy Production Incentives
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Sec. 1501. Extension and modification of renewable energy credit.
Sec. 1502. Production credit for electricity produced from marine renewables.
Sec. 1503. Extension and modification of energy credit.
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Sec. 1506. New clean renewable energy bonds.
PART II—PROVISIONS RELATING TO CARBON MITIGATION AND COAL
Sec. 1507. Expansion and modification of advanced coal project investment credit.
Sec. 1508. Expansion and modification of coal gasification investment credit.
Sec. 1509. Seven-year applicable recovery period for depreciation of qualified carbon dioxide pipeline property.
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Sec. 1521. Credit for production of cellulosic biomass alcohol.
Sec. 1522. Expansion of special allowance to cellulosic biomass alcohol fuel plant property.
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Sec. 1524. Extension and modification of credits for biodiesel and renewable diesel.
Sec. 1525. Clarification of eligibility for renewable diesel credit.
Sec. 1526. Provisions clarifying treatment of fuels with no nexus to the United States.
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PART II—ADVANCED TECHNOLOGY MOTOR VEHICLES
Sec. 1528. Credit for new qualified plug-in electric drive motor vehicles.
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PART III—OTHER TRANSPORTATION PROVISIONS
Sec. 1530. Restructuring of New York Liberty Zone tax credits.
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Subtitle D—Other Provisions
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Sec. 1551. Deduction for qualified timber gain.
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Sec. 1553. Timber REIT modernization.
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PART II—EXXON VALDEZ
Sec. 1557. Income averaging for amounts received in connection with the Exxon Valdez litigation.
Subtitle E—Revenue Provisions
Sec. 1561. Limitation of deduction for income attributable to domestic production of oil, gas, or a primary products thereof .
Sec. 1562. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 1563. 7-year amortization of geological and geophysical expenditures for certain major integrated oil companies.
Sec. 1564. Broker reporting of customer's basis in securities transactions.
Sec. 1565. Extension of additional 0.2 percent FUTA surtax.
Sec. 1566. Termination of treatment of natural gas distribution lines as 15-year property.
Sec. 1567. Time for payment of corporate estimated taxes.
Sec. 1568. Modification of penalty for failure to file partnership returns.
Subtitle F—Secure Rural Schools
Sec. 1571. Secure rural schools and community self-determination program.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

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

SEC. 3. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 102. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''NON-PASSENGER AUTOMOBILES.—'' and inserting ''PRESCRIPTION OF STANDARDS BY REGULATION.—'';

(B) by striking ''(except passenger automobiles)'' in subsection (a); and

(C) by striking the last sentence;

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

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe separate average fuel economy standards for—

''(A) passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

''(B) non-passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

''(C) work trucks in accordance with subsection (k); and

''(D) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (l).

''(2) FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe a separate average fuel economy standard for passenger automobiles and a separate average fuel economy standard for non-passenger automobiles for each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles manufactured for sale in the United States shall be the maximum feasible average fuel economy standard for each fleet for that model year.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.

''(3) AUTHORITY OF THE SECRETARY.—The Secretary shall—

''(A) prescribe by regulation separate average fuel economy standards for passenger and non-passenger automobiles based on 1 or more vehicle attributes related to fuel economy and express each standard in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for at least 1, but not more than 5, model years.

''(4) MINIMUM STANDARD.—In addition to any standard prescribed pursuant to paragraph (3), each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of—

''(A) 27.5 miles per gallon; or

''(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the United States by all manufacturers in the model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.''; and

(3) in subsection (c)—

(A) by striking ''(1) Subject to paragraph (2) of this subsection, the'' and inserting ''The''; and

(B) by striking paragraph (2).

(b) FUEL ECONOMY STANDARD FOR WORK TRUCKS.—Section 32902 of title 49, United States Code, is amended by adding at the end the following:

''(k) WORK TRUCKS.—

''(1) STUDY.—Not later than 1 year after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of work trucks and determine—

''(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of work trucks;

''(B) the appropriate metric for measuring and expressing work truck fuel efficiency performance, taking into consideration, among other things, the work performed by work trucks and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect work truck fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve work truck fuel efficiency.

''(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a work truck fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for work trucks. Any fuel economy standard prescribed under this section shall be prescribed at least 18 months before the model year to which it applies. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.''.

(c) FUEL ECONOMY STANDARD FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end the following:

''(1) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—Not later than 1 year after the National Academy of Sciences publishes the results of its study under section 108 of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles. Any fuel economy standard prescribed under this section shall be prescribed at least 18 months before the model year to which it applies. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.

''(3) LEAD-TIME; REGULATORY STABILITY.—The first commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide not less than—

''(A) 4 full model years of regulatory lead-time; and

''(B) 3 full model years of regulatory stability.''.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

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

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

''(C) a work truck.'';

(2) by redesignating paragraphs (7) through (16) as paragraphs (8) through (17), respectively;

(3) by inserting after paragraph (6) the following:

''(7) 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more.'';

(4) in paragraph (9)(A), as redesignated, by inserting ''or 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 (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as 'B20')'' after ''alternative fuel'';

(5) by redesignating paragraph (17), as redesignated, as paragraph (18);

(6) by inserting after paragraph (16), as redesignated, the following:

''(17) 'non-passenger automobile' means an automobile that is not a passenger automobile or a work truck.''; and

(7) by adding at the end the following:

''(19) 'work truck' means a vehicle that—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act).''.

SEC. 104. CREDIT TRADING PROGRAM.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended—

(1) by striking ''section 32902(b)-(d) of this title'' each place it appears and inserting ''subsections (a) through (d) of section 32902'';

(2) in subsection (a)(2)—

(A) by striking ''3 consecutive model years'' and inserting ''5 consecutive model years'';

(B) by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)'';

(3) by redesignating subsection (f) as subsection (h); and

(4) by inserting after subsection (e) the following:

''(f) CREDIT TRADING AMONG MANUFACTURERS.—

''(1) IN GENERAL.—The Secretary of Transportation may establish, by regulation, a fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when trading credits to manufacturers that fail to achieve the prescribed standards.

''(2) LIMITATION.—The trading of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements of section 32902(b)(4), without regard to any trading of credits from other manufacturers.

''(g) CREDIT TRANSFERRING WITHIN A MANUFACTURER'S FLEET.—

''(1) IN GENERAL.—The Secretary of Transportation shall establish by regulation a fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to

transfer the credits earned under this section and to apply such credits within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

''(2) YEARS FOR WHICH USED.—Credits transferred under this subsection are available to be used in the same model years that the manufacturer could have applied such credits under subsections (a), (b), (d), and (e), as well as for the model year in which the manufacturer earned such credits.

''(3) MAXIMUM INCREASE.—The maximum increase in any compliance category attributable to transferred credits is—

''(A) for model years 2011 through 2013, 1.0 mile per gallon;

''(B) for model years 2014 through 2017, 1.5 miles per gallon; and

''(C) for model year 2018 and subsequent model years, 2.0 miles per gallon.

''(4) LIMITATION.—The transfer of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements under section 32904(b)(4), without regard to any transfer of credits from other categories of automobiles described in paragraph (6)(B).

''(5) YEARS AVAILABLE.—A credit may be transferred under this subsection only if it is earned after model year 2010.

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

''(A) FLEET.—The term 'fleet' means all automobiles manufactured by a manufacturer in a particular model year.

''(B) COMPLIANCE CATEGORY OF AUTOMOBILES.—The term 'compliance category of automobiles' means any of the following 3 categories of automobiles for which compliance is separately calculated under this chapter:

''(i) Passenger automobiles manufactured domestically.

''(ii) Passenger automobiles not manufactured domestically.

''(iii) Non-passenger automobiles.''.

(b) CONFORMING AMENDMENTS.—

(1) LIMITATIONS.—Section 32902(h) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) may not consider, when prescribing a fuel economy standard, the trading, transferring, or availability of credits under section 32903.''.

(2) SEPARATE CALCULATIONS.—Section 32904(b)(1)(B) is amended by striking ''chapter.'' and inserting ''chapter, except for the purposes of section 32903.''.

SEC. 105. CONSUMER INFORMATION.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) CONSUMER INFORMATION.—

''(1) PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a program to require manufacturers—

''(A) to label new automobiles sold in the United States with—

''(i) information reflecting an automobile's performance on the basis of criteria that the Administrator shall develop, not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act, to reflect fuel economy and greenhouse gas and other emissions over the useful life of the automobile;

''(ii) a rating system that would make it easy for consumers to compare the fuel economy and greenhouse gas and other emissions of automobiles at the point of purchase, including a designation of automobiles—

''(I) with the lowest greenhouse gas emissions over the useful life of the vehicles; and

''(II) the highest fuel economy; and

''(iii) a permanent and prominent display that an automobile is capable of operating on an alternative fuel; and

''(B) to include in the owner's manual for vehicles capable of operating on alternative fuels information that describes that capability and the benefits of using alternative fuels, including the renewable nature and environmental benefits of using alternative fuels.

''(2) CONSUMER EDUCATION.—

''(A) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a consumer education program to improve consumer understanding of automobile performance described in paragraph (1)(A)(i) and to inform consumers of the benefits of using alternative fuel in automobiles and the location of stations with alternative fuel capacity.

''(B) FUEL SAVINGS EDUCATION CAMPAIGN.—The Secretary of Transportation shall establish a consumer education campaign on the fuel savings that would be recognized from the purchase of vehicles equipped with thermal management technologies, including energy efficient air conditioning systems and glass.

''(3) FUEL TANK LABELS FOR ALTERNATIVE FUEL AUTOMOBILES.—The Secretary of Transportation shall by rule require a label to be attached to the fuel compartment of vehicles capable of operating on alternative fuels, with the form of alternative fuel stated on the label. A label attached in compliance with the requirements of section 32905(h) is deemed to meet the requirements of this paragraph.

''(4) RULEMAKING DEADLINE.—The Secretary of Transportation shall issue a final rule under this subsection not later than 42 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.''.

SEC. 106. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 107. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this subtitle.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 5 years after the date on which the Secretary executes the agreement with the Academy.

(c) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

SEC. 108. NATIONAL ACADEMY OF SCIENCES STUDY OF MEDIUM-DUTY AND HEAVY-DUTY TRUCK FUEL ECONOMY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating medium-duty and heavy-duty truck fuel economy standards, including—

(1) an assessment of technologies and costs to evaluate fuel economy for medium-duty and heavy-duty trucks;

(2) an analysis of existing and potential technologies that may be used practically to improve medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the medium-duty and heavy-duty truck manufacturing process;

(4) an assessment of how such technologies may be used to meet fuel economy standards to be prescribed under section 32902(l) of title 49, United States Code, as amended by this subtitle; and

(5) associated costs and other impacts on the operation of medium-duty and heavy-duty trucks, including congestion.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 1 year after the date on which the Secretary executes the agreement with the Academy.

SEC. 109. EXTENSION OF FLEXIBLE FUEL VEHICLE CREDIT PROGRAM.

(a) IN GENERAL.—Section 32906 of title 49, United States Code, is amended to read as follows:

''§ 32906. Maximum fuel economy increase for alternative fuel automobiles

''(a) IN GENERAL.—For each of model years 1993 through 2019 for each category of automobile (except an electric automobile), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is—

''(1) 1.2 miles a gallon for each of model years 1993 through 2014;

''(2) 1.0 miles per gallon for model year 2015;

''(3) 0.8 miles per gallon for model year 2016;

''(4) 0.6 miles per gallon for model year 2017;

''(5) 0.4 miles per gallon for model year 2018;

''(6) 0.2 miles per gallon for model year 2019; and

''(7) 0 miles per gallon for model years after 2019.

''(b) CALCULATION.—In applying subsection (a), the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under section 32905(e) the number equal to what the manufacturer's average fuel economy would be if

it were calculated by the formula under section 32904(a)(1) by including as the denominator for each model of dual fueled automobiles the fuel economy when the automobiles are operated on gasoline or diesel fuel.''.

(b) CONFORMING AMENDMENTS.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b), by striking ''1993-2010,'' and inserting ''1993 through 2019,'';

(2) in subsection (d), by striking ''1993-2010,'' and inserting ''1993 through 2019,'';

(3) by striking subsections (f) and (g); and

(4) by redesignating subsection (h) as subsection (f).

(c) B20 BIODIESEL FLEXIBLE FUEL CREDIT.—Section 32905(b)(2) of title 49, United States Code, is amended to read as follows:

''(2) .5 divided by the fuel economy—

''(A) measured under subsection (a) when operating the model on alternative fuel; or

''(B) measured based on the fuel content of B20 when operating the model on B20, which is deemed to contain 0.15 gallon of fuel.''.

SEC. 110. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the results of the reevaluation process.

SEC. 111. CONSUMER TIRE INFORMATION.

(a) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by inserting after section 32304 the following:

''§ 32304A. Consumer tire information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle replacement tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency, safety, and durability of replacement tires.

''(3) APPLICABILITY.—This section shall apply only to replacement tires covered under section 575.104(c) of title 49, Code of Federal Regulations, in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) APPLICATION WITH STATE AND LOCAL LAWS AND REGULATIONS.—Nothing in this section prohibits a State or political subdivision thereof from enforcing a law or regulation on tire fuel efficiency consumer information that was in effect on January 1, 2006. After a requirement promulgated under this section is in effect, a State or political subdivision thereof may adopt or enforce a law or regulation on tire fuel efficiency consumer information enacted or promulgated after January 1, 2006, if the requirements of that law or regulation are identical to the requirement promulgated under this section. Nothing in this section shall be construed to preempt a State or political subdivision thereof from regulating the fuel efficiency of tires (including establishing testing methods for determining compliance with such standards) not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 32308 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d)and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 323 of title 49, United States Code, is amended by inserting after the item relating to section 32304 the following:

''32304A. Consumer tire information''.

SEC. 112. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program to make grants to manufacturers for retooling, reequipping, or expanding existing manufacturing facilities in the United States to produce advanced technology vehicles and components.''.

SEC. 113. EXEMPTION FROM SEPARATE CALCULATION REQUIREMENT.

(a) REPEAL.—Paragraphs (6), (7), and (8) of section 32904(b) of title 49, United States Code, are repealed.

(b) EFFECT OF REPEAL ON EXISTING EXEMPTIONS.—Any exemption granted under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act shall remain in effect subject to its terms through model year 2013.

(c) ACCRUAL AND USE OF CREDITS.—Any manufacturer holding an exemption under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act may accrue and use credits under sections 32903 and 32905 of such title begining with model year 2011.

Subtitle B—Improved Vehicle Technology

SEC. 131. TRANSPORTATION ELECTRIFICATION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term ''battery'' means an electrochemical energy storage system powered directly by electrical current.

(3) ELECTRIC TRANSPORTATION TECHNOLOGY.—The term ''electric transportation technology'' means—

(A) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(i) corded electric equipment linked to transportation or mobile sources of air pollution; and

(ii) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(4) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(A) powered—

(i) by a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(ii) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(B) that is not a motor vehicle or a vehicle used solely for competition.

(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a vehicle that—

(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)).

(6) QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—The term ''qualified electric transportation project'' means an electric transportation technology project that would significantly reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum, including—

(A) shipside or shoreside electrification for vessels;

(B) truck-stop electrification;

(C) electric truck refrigeration units;

(D) battery powered auxiliary power units for trucks;

(E) electric airport ground support equipment;

(F) electric material and cargo handling equipment;

(G) electric or dual-mode electric rail;

(H) any distribution upgrades needed to supply electricity to the project; and

(I) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(b) PLUG-IN ELECTRIC DRIVE VEHICLE PROGRAM.—

(1) ESTABLISHMENT.—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 of those governments, authorities, districts, and entities, to carry out 1 or more 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, in consultation with the Secretary of Transportation and the Administrator, establish requirements for applications for grants under this section, including reporting of data to be summarized for dissemination to grantees and the public, including safety, vehicle, and component performance, and vehicle and component life cycle costs.

(3) PRIORITY.—In making awards under this subsection, the Secretary shall—

(A) give priority consideration to applications that—

(i) encourage early widespread use of vehicles described in paragraph (1); and

(ii) are likely to make a significant contribution to the advancement of the production of the vehicles in the United States; and

(B) ensure, to the maximum extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(4) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to safety, vehicle performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(5) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2008 through 2012, of which not less than ⅓ of the total amount appropriated shall be available each fiscal year to make grants to local and municipal governments.

(c) NEAR-TERM TRANSPORTATION SECTOR ELECTRIFICATION PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator, shall establish a program to provide grants for the conduct of qualified electric transportation projects.

(2) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(3) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $95,000,000 for each of fiscal years 2008 through 2013.

(d) EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology 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 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 transportation technology vehicles.

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

SEC. 132. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended to read as follows:

''SEC. 712. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

''(a) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and components of those vehicles.

''(2) INCLUSIONS.—The program shall include grants to automobile manufacturers and suppliers and hybrid component manufacturers to encourage domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and advanced diesel vehicles.

''(3) PRIORITY.—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.

''(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 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. 133. 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 redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

''(a) 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 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- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) 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 ELECTRIC DRIVE VEHICLE.—The term 'plug-in electric drive vehicle' means a vehicle that—

''(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

''(B) can be recharged from an external source of electricity for motive power; and

''(C) is a light-, medium-, or heavy duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550).'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in electric drive vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(f) 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 2013.''.

SEC. 134. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)(2)) (as amended by section 132) is amended by inserting ''and loan guarantees under section 1703'' after ''grants''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.''.

SEC. 135. ADVANCED BATTERY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary 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. 136. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard in effect for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy for vehicles with substantially similar attributes.

(2) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32904 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary.

(3) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(4) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(A) designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) APPLICATION.—An applicant for a loan under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a loan under this section 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 sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(4) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award or loan under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005. In order to determine fuel economy baselines for eligibility of a new manufacturer or a manufacturer that has not produced previously produced equivalent vehicles, the Secretary may substitute industry averages.

(f) FEES.—Administrative costs shall be no more than $100,000 or 10 basis point of the loan.

(g) PRIORITY.—The Secretary shall, in making awards or loans to those manufacturers that have existing facilities, give priority to those facilities that are oldest or have been in existence for at least 20 years. Such facilities can currently be sitting idle.

(h) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(i) 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.

Subtitle C—Federal Vehicle Fleets

SEC. 141. 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) DEFINITIONS.—In this subsection:

''(A) FEDERAL AGENCY.—The term 'Federal agency' does not include any office of the legislative branch, except that it does include the House of Representatives with respect to an acquisition described in paragraph (2)(C).

''(B) MEDIUM DUTY PASSENGER VEHICLE.—The term 'medium duty passenger vehicle' has the meaning given that term section 523.2 of title 49 of the Code of Federal Regulations, as in effect on the date of enactment of this paragraph.

''(C) MEMBER'S REPRESENTATIONAL ALLOWANCE.—The term 'Member's 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)).

''(2) PROHIBITION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), 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) EXCEPTION.—The prohibition in subparagraph (A) shall not apply to acquisition of a vehicle if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased, either—

''(i) that no low greenhouse gas emitting vehicle is available to meet the functional needs of the agency and details in writing the functional needs that could not be met with a low greenhouse gas emitting vehicle; or

''(ii) that the agency has taken specific alternative more cost-effective measures to reduce petroleum consumption that—

''(I) have reduced a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved through acquisition of a low greenhouse gas emitting vehicle over the lifetime of the vehicle; or

''(II) will reduce each year a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved each year through acquisition of a low greenhouse gas emitting vehicle.

''(C) SPECIAL RULE FOR VEHICLES PROVIDED BY FUNDS CONTAINED IN MEMBERS' REPRESENTATIONAL ALLOWANCE.—This paragraph shall apply to the acquisition of a light duty motor vehicle or medium duty passenger vehicle using any portion of a Member's Representational Allowance, including an acquisition under a long-term lease.

''(3) GUIDANCE.—

''(A) IN GENERAL.—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.

''(B) CONSIDERATION.—In identifying vehicles under subparagraph (A), 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.

''(C) REQUIREMENT.—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.''.

SEC. 142. FEDERAL FLEET CONSERVATION REQUIREMENTS.

Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

''SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for Federal fleets subject to section 400AA to require that, beginning in fiscal year 2010, each Federal agency shall reduce petroleum consumption and increase alternative fuel consumption each year by an amount necessary to meet the goals described in paragraph (2).

''(2) GOALS.—The goals of the requirements under paragraph (1) are that not later than October 1, 2015, and for each year thereafter, each Federal agency shall achieve at least a 20 percent reduction in annual petroleum consumption and a 10 percent increase in annual alternative fuel consumption, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(3) MILESTONES.—The Secretary shall include in the regulations described in paragraph (1)—

''(A) interim numeric milestones to assess annual agency progress towards accomplishing the goals described in that paragraph; and

''(B) a requirement that agencies annually report on progress towards meeting each of the milestones and the 2015 goals.

''(b) PLAN.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—The regulations under subsection (a) shall require each Federal agency to develop a plan, and implement the measures specified in the plan by dates specified in the plan, to meet the required petroleum reduction levels and the alternative fuel consumption increases, including the milestones specified by the Secretary.

''(B) INCLUSIONS.—The plan shall—

''(i) identify the specific measures the agency will use to meet the requirements of subsection (a)(2); and

''(ii) quantify the reductions in petroleum consumption or increases in alternative fuel consumption projected to be achieved by each measure each year.

''(2) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(A) the use of alternative fuels;

''(B) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles if the vehicles are commercially available;

''(C) the substitution of cars for light trucks;

''(D) an increase in vehicle load factors;

''(E) a decrease in vehicle miles traveled;

''(F) a decrease in fleet size; and

''(G) other measures.''.

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

SEC. 201. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)) is amended to read as follows:

''(1) DEFINITIONS.—In this section:

''(A) ADDITIONAL RENEWABLE FUEL.—The term 'additional renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in home heating oil or jet fuel.

''(B) ADVANCED BIOFUEL.—

''(i) IN GENERAL.—The term 'advanced biofuel' means renewable fuel, other than ethanol derived from corn starch, that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than baseline lifecycle greenhouse gas emissions.

''(ii) INCLUSIONS.—The types of fuels eligible for consideration as 'advanced biofuel' may include any of the following:

''(I) Ethanol derived from cellulose, hemicellulose, or lignin.

''(II) Ethanol derived from sugar or starch (other than corn starch).

''(III) Ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste.

''(IV) Biomass-based diesel.

''(V) Biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass.

''(VI) Butanol or other alcohols produced through the conversion of organic matter from renewable biomass.

''(VII) Other fuel derived from cellulosic biomass.

''(C) BASELINE LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'baseline lifecycle greenhouse gas emissions' means the average lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, for gasoline or diesel (whichever is being replaced by the renewable fuel) sold or distributed as transportation fuel in 2005.

''(D) BIOMASS-BASED DIESEL.—The term 'biomass-based diesel' means renewable fuel that is biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than the baseline lifecycle greenhouse gas emissions. Notwithstanding the preceding sentence, renewable fuel derived from co-processing biomass with a petroleum feedstock shall be advanced biofuel if it meets the requirements of subparagraph (B), but is not biomass-based diesel.

''(E) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means renewable fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass and that has lifecycle greenhouse gas emissions, as determined by the Administrator, that are at least 60 percent less than the baseline lifecycle greenhouse gas emissions.

''(F) CONVENTIONAL BIOFUEL.—The term 'conventional biofuel' means renewable fuel that is ethanol derived from corn starch.

''(G) GREENHOUSE GAS.—The term 'greenhouse gas' means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, sulfur hexafluoride. The Administrator may include any other anthropogenically-emitted gas that is determined by the Administrator, after notice and comment, to contribute to global warming.

''(H) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use

changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means each of the following:

''(i) Planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the enactment of this sentence that is either actively managed or fallow, and nonforested.

''(ii) Planted trees and tree residue from actively managed tree plantations on nonfederal land cleared at any time prior to enactment of this sentence, including land belonging to an Indian tribe or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

''(iii) Animal waste material and animal byproducts.

''(iv) Slash and pre-commercial thinnings that are from non-federal forestlands, including forestlands belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States, but not forests or forestlands that are ecological communities with a global or State ranking of critically imperiled, imperiled, or rare pursuant to a State Natural Heritage Program, old growth forest, or late successional forest.

''(v) Biomass obtained from the immediate vicinity of buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire.

''(vi) Algae.

''(vii) Separated yard waste or food waste, including recycled cooking and trap grease.

''(J) RENEWABLE FUEL.—The term 'renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

''(K) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

''(L) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, motor vehicle engines, nonroad vehicles, or nonroad engines (except for ocean-going vessels).''.

SEC. 202. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—Paragraph (2) of section 211(o) (42 U.S.C. 7545(o)(2)) of the Clean Air Act is amended as follows:

(1) REGULATIONS.—Clause (i) of subparagraph (A) is amended by adding the following at the end thereof: ''Not later than 1 year after the date of enactment of this sentence, the Administrator shall revise the regulations under this paragraph to ensure that transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains at least the applicable volume of renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel, determined in accordance with subparagraph (B) and, in the case of any such renewable fuel produced from new facilities that commence construction after the date of enactment of this sentence, achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions.''

(2) APPLICABLE VOLUMES OF RENEWABLE FUEL.—Subparagraph (B) is amended to read as follows:

''(B) APPLICABLE VOLUMES.—

''(i) CALENDAR YEARS AFTER 2005.—

''(I) RENEWABLE FUEL.—For the purpose of subparagraph (A), the applicable volume of renewable fuel for the calendar years 2006 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2006	4.0
2007	4.7
2008	9.0
2009	11.1
2010	12.95
2011	13.95
2012	15.2
2013	16.55
2014	18.15
2015	20.5
2016	22.25
2017	24.0
2018	26.0
2019	28.0
2020	30.0
2021	33.0
2022	36.0

''(II) ADVANCED BIOFUEL.—For the purpose of subparagraph (A), of the volume of renewable fuel required under subclause (I), the applicable volume of advanced biofuel for the calendar years 2009 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of advanced biofuel (in billions of gallons):
2009	0.6
2010	0.95
2011	1.35
2012	2.0
2013	2.75
2014	3.75
2015	5.5
2016	7.25
2017	9.0
2018	11.0
2019	13.0
2020	15.0
2021	18.0
2022	21.0

''(III) CELLULOSIC BIOFUEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of cellulosic biofuel for the calendar years 2010 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of cellulosic biofuel (in billions of gallons):
2010	0.1
2011	0.25
2012	0.5
2013	1.0
2014	1.75
2015	3.0
2016	4.25
2017	5.5
2018	7.0
2019	8.5
2020	10.5
2021	13.5
2022	16.0

''(IV) BIOMASS-BASED DIESEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of biomass-based diesel for the calendar years 2009 through 2012 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of biomass-based diesel (in billions of gallons):
2009	0.5
2010	0.65
2011	0.80
2012	1.0

''(ii) OTHER CALENDAR YEARS.—For the purposes of subparagraph (A), the applicable volumes of each fuel specified in the tables in clause (i) for calendar years after the calendar years specified in the tables shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years specified in the tables, and an analysis of—

''(I) the impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wet lands, eco-systems, wildlife habitat, water quality, and water supply;

''(II) the impact of renewable fuels on the energy security of the United States;

''(III) the expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and biomass-based diesel);

''(IV) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel;

''(V) the impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and

''(VI) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

The Administrator shall promulgate rules establishing the applicable volumes under this clause no later than 14 months before the first year for which such applicable volume will apply.

''(iii) APPLICABLE VOLUME OF ADVANCED BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of advanced biofuel shall be at least the same percentage of the applicable volume of renewable fuel as in calendar year 2022.

''(iv) APPLICABLE VOLUME OF CELLULOSIC BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of cellulosic biofuel established by the Administrator shall be based on the assumption that the Administrator will not need to issue a waiver for such years under paragraph (7)(D).

''(v) MINIMUM APPLICABLE VOLUME OF BIOMASS-BASED DIESEL.—For the purpose of making the determinations in clause (ii), the applicable volume of biomass-based diesel shall not be less than the applicable volume listed in clause (i)(IV) for calendar year 2012.''.

(b) APPLICABLE PERCENTAGES.—Paragraph (3) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(3)) is amended as follows:

(1) In subparagraph (A), by striking ''2011'' and inserting ''2021.''

(2) In subparagraph (A), by striking ''gasoline'' and inserting ''transportation fuel, biomass-based diesel, and cellulosic biofuel''.

(3) In subparagraph (B), by striking ''2012'' and inserting ''2021'' in clause (ii)(I).

(4) In subparagraph (B), by striking gasoline'' and inserting ''transportation fuel'' in clause (ii)(II).

(c) MODIFICATION OF GREENHOUSE GAS PERCENTAGES.—Paragraph (4) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read as follows:

''(4) MODIFICATION OF GREENHOUSE GAS REDUCTION PERCENTAGES.—

''(A) IN GENERAL.—The Administrator may, in the regulations under the last sentence of paragraph (2)(A)(i), adjust the 20 percent, 50 percent, and 60 percent reductions in lifecycle greenhouse gas emissions specified in paragraphs (2)(A)(i)(relating to renewable fuel), (1)(D) (relating to biomass-based diesel), (1)(B)(i)(relating to advanced biofuel), and (1)(E) (relating to cellulosic biofuel) to a lower percentage. For the 50 and 60 percent reductions, the Administrator may make such an adjustment only if he determines that generally such reduction is not commercially feasible for fuels made using a variety of feedstocks, technologies, and processes to meet the applicable reduction.

''(B) AMOUNT OF ADJUSTMENT.—In promulgating regulations under this paragraph, the specified 50 percent reduction in greenhouse gas emissions from advanced biofuel and in biomass-based diesel may not be reduced below 40 percent. The specified 20 percent reduction in greenhouse gas emissions from renewable fuel may not be reduced below 10 percent, and the specified 60 percent reduction in greenhouse gas emissions from cellulosic biofuel may not be reduced below 50 percent.

''(C) ADJUSTED REDUCTION LEVELS.—An adjustment under this paragraph to a percent less than the specified 20 percent greenhouse gas reduction for renewable fuel shall be the minimum possible adjustment, and the adjusted greenhouse gas reduction shall be established by the Administrator at the maximum achievable level, taking cost in consideration, for natural gas fired corn-based ethanol plants, allowing for the use of a variety of technologies and processes. An adjustment in the 50 or 60 percent greenhouse gas levels shall be the minimum possible adjustment for the fuel or fuels concerned, and the adjusted greenhouse gas reduction shall be established at the maximum achievable level, taking cost in consideration, allowing for the use of a variety of feedstocks, technologies, and processes.

''(D) 5-YEAR REVIEW.—Whenever the Administrator makes any adjustment under this paragraph, not later than 5 years thereafter he shall review and revise (based upon the same criteria and standards as required for the initial adjustment) the regulations establishing the adjusted level.

''(E) SUBSEQUENT ADJUSTMENTS.—After the Administrator has promulgated a final rule under the last sentence of paragraph (2)(A)(i) with respect to the method of determining lifecycle greenhouse gas emissions, except as provided in subparagraph (D), the Administrator may not adjust the percent greenhouse gas reduction levels unless he determines that there has been a significant change in the analytical methodology used for determining the lifecycle greenhouse gas emissions. If he makes such determination, he may adjust the 20, 50, or 60 percent reduction levels through rulemaking using the criteria and standards set forth in this paragraph.

''(F) LIMIT ON UPWARD ADJUSTMENTS.—If, under subparagraph (D) or (E), the Administrator revises a percent level adjusted as provided in subparagraph (A), (B), and (C) to a higher percent, such higher percent may not exceed the applicable percent specified in paragraph (2)(A)(i), (1)(D),(1)(B)(i), or (1)(E).

''(G) APPLICABILITY OF ADJUSTMENTS.—If the Administrator adjusts, or revises, a percent level referred to in this paragraph or makes a change in the analytical methodology used for determining the lifecycle greenhouse gas emissions, such adjustment, revision, or change (or any combination thereof) shall only apply to renewable fuel from new facilities that commence construction after the effective date of such adjustment, revision, or change.''.

(d) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—Paragraph (5) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is amended by adding the following new subparagraph at the end thereof:

''(E) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—The Administrator may issue regulations providing (i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports additional renewable fuels specified by the Administrator and (ii) for the use of such credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).''.

(e) WAIVERS.—

(1) IN GENERAL.—Paragraph (7)(A) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)(A)) is amended by inserting '', by any person subject to the requirements of this subsection, or by the Administrator on his own motion'' after ''one or more States'' in subparagraph (A) and by striking out ''State'' in subparagraph (B).

(2) CELLULOSIC BIOFUEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

''(D) CELLULOSIC BIOFUEL.—(i) For any calendar year for which the projected volume of cellulosic biofuel production is less than the minimum applicable volume established under paragraph (2)(B), as determined by the Administrator based on the estimate provided under paragraph (3)(A), not later than November 30 of the preceding calendar year, the Administrator shall reduce the applicable volume of cellulosic biofuel required under paragraph (2)(B) to the projected volume available during that calendar year. For any calendar year in which the Administrator makes such a reduction, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

''(ii) Whenever the Administrator reduces the minimum cellulosic biofuel volume under this subparagraph, the Administrator shall make available for sale cellulosic biofuel credits at the higher of $0.25 per gallon or the amount by which $3.00 per gallon exceeds the average wholesale price of a gallon of gasoline in the United States. Such amounts shall be adjusted for inflation by the Administrator for years after 2008.

''(iii) 18 months after date of enactment of this subparagraph, the Administrator shall promulgate regulations to govern the issuance of credits under this subparagraph. The regulations shall set forth the method for determining the exact price of credits in the event of a waiver. The price of such credits shall not be changed more frequently than once each quarter. These regulations shall include such provisions, including limiting the credits' uses and useful life, as the Administrator deems appropriate to assist market liquidity and transparency, to provide appropriate certainty for regulated entities and renewable fuel producers, and to limit any potential misuse of cellulosic biofuel credits to reduce the use of other renewable fuels, and for such other purposes as the Administrator determines will help achieve the goals of this subsection. The regulations shall limit the number of cellulosic biofuel credits for any calendar year to the minimum applicable volume (as reduced under this subparagraph) of cellulosic biofuel for that year.''.

(3) BIOMASS-BASED DIESEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

''(E) BIOMASS-BASED DIESEL.—

''(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall periodically evaluate the impact of the biomass-based diesel requirements established under this paragraph on the price of diesel fuel.

''(ii) WAIVER.—If the Administrator determines that there is a significant renewable feedstock disruption or other market circumstances that would make the price of biomass-based diesel fuel increase significantly, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for up to a 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biomass-based diesel. For any calendar year in which the Administrator makes a reduction under this subparagraph, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

''(iii) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for up to an additional 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biomass-based diesel.

''(F) MODIFICATION OF APPLICABLE VOLUMES.—For any of the tables in paragraph (2)(B), if the Administrator waives—

''(i) at least 20 percent of the applicable volume requirement set forth in any such table for 2 consecutive years; or

''(ii) at least 50 percent of such volume requirement for a single year,

the Administrator shall promulgate a rule (within one year after issuing such waiver) that modifies the applicable volumes set forth in the table concerned for all years following the final year to which the waiver applies, except that no such modification in applicable volumes shall be made for any year before 2016. In promulgating such a rule, the Administrator shall comply with the processes, criteria, and standards set forth in paragraph (2)(B)(ii).''.

SEC. 203. STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in section 211(o) of the Clean Air Act on each industry relating to the production of feed grains, livestock, food, forest products, and energy.

(b) PARTICIPATION.—In conducting the study under this section, the National Academy of Sciences shall seek the participation, and consider the input, of—

(1) producers of feed grains;

(2) producers of livestock, poultry, and pork products;

(3) producers of food and food products;

(4) producers of energy;

(5) individuals and entities interested in issues relating to conservation, the environment, and nutrition;

(6) users and consumer of renewable fuels;

(7) producers and users of biomass feedstocks; and

(8) land grant universities.

(c) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(1) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections;

(2) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections; and

(3) policy options to maintain regional agricultural and silvicultural capability.

(d) COMPONENTS.—The study shall include—

(1) a description of the conditions under which the requirements described in section 211(o) of the Clean Air Act should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in subsection (c)(2) or regional agricultural and silvicultural capability described in subsection (c)(3); and

(2) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(e) DEADLINE FOR COMPLETION OF STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under this section.

(f) PERIODIC REVIEWS.—Section 211(o) of the Clean Air Act is amended by adding the following at the end thereof:

''(12) PERIODIC REVIEWS.—To allow for the appropriate adjustment of the requirements described in subparagraph (B) of paragraph (2), the Administrator shall conduct periodic reviews of—

''(A) existing technologies;

''(B) the feasibility of achieving compliance with the requirements; and

''(C) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).''.

SEC. 204. ENVIRONMENTAL AND RESOURCE CONSERVATION IMPACTS.

(a) IN GENERAL.—Not later than 3 years after the enactment of this section and every 3 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall assess and report to Congress on the impacts to date and likely future impacts of the requirements of section 211(o) of the Clean Air Act on the following:

(1) Environmental issues, including air quality, effects on hypoxia, pesticides, sediment, nutrient and pathogen levels in waters, acreage and function of waters, and soil environmental quality.

(2) Resource conservation issues, including soil conservation, water availability, and ecosystem health and biodiversity, including impacts on forests, grasslands, and wetlands.

(3) The growth and use of cultivated invasive or noxious plants and their impacts on the environment and agriculture.

In advance of preparing the report required by this subsection, the Administrator may seek the views of the National Academy of Sciences or another appropriate independent research institute. The report shall include the annual volume of imported renewable fuels and feedstocks for renewable fuels, and the environmental impacts outside the United States of producing such fuels and feedstocks. The report required by this subsection shall include recommendations for actions to address any adverse impacts found.

(b) EFFECT ON AIR QUALITY AND OTHER ENVIRONMENTAL REQUIREMENTS.—Except as provided in section 211(o)(13) of the Clean Air Act, nothing in the amendments made by this title to section 211(o) of the Clean Air Act shall be construed as superseding, or limiting, any more environmentally protective requirement under the Clean Air Act, or under any other provision of State or Federal law or regulation, including any environmental law or regulation.

SEC. 205. BIOMASS BASED DIESEL AND BIODIESEL LABELING.

(a) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biomass-based diesel or biodiesel that is contained in the biomass-based diesel blend or biodiesel blend that is offered for sale, as determined by the Federal Trade Commission.

(b) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this section, the Federal Trade Commission shall promulgate biodiesel labeling requirements as follows:

(1) Biomass-based diesel blends or biodiesel blends that contain less than or equal to 5 percent biomass-based diesel or biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

(2) Biomass based diesel blends or biodiesel blends that contain more than 5 percent biomass-based diesel or biodiesel by volume but not more than 20 percent by volume shall be labeled ''contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent''.

(3) Biomass-based diesel or biodiesel blends that contain more than 20 percent biomass based or biodiesel by volume shall be labeled ''contains more than 20 percent biomass-based diesel or biodiesel''.

(c) DEFINITIONS.—In this section:

(1) ASTM.—The term ''ASTM'' means the American Society of Testing and Materials.

(2) BIOMASS-BASED DIESEL.—The term ''biomass-based diesel'' means biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)).

(3) BIODIESEL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(A) the registration requirements for fuels and fuel additives under this section; and

(B) the requirements of ASTM standard D6751.

(4) BIOMASS-BASED DIESEL AND BIODIESEL BLENDS.—The terms ''biomass-based diesel blend'' and ''biodiesel blend'' means a blend of ''biomass-based diesel'' or ''biodiesel'' fuel that is blended with petroleum based diesel fuel.

SEC. 206. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the feasibility of issuing credits under the program established under section 211(o) of the Clean Air Act to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 211(o) of the Clean Air Act.

SEC. 207. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary of Energy shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2005; and

(2) shall not make an award to a project that does not achieve at least a 80 percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 208. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended as follows:

(1) By striking ''nonroad vehicle (A) if in the judgment of the Administrator'' and inserting ''nonroad vehicle if, in the judgment of the Administrator, any fuel or fuel additive or'' ; and

(2) In subparagraph (A), by striking ''air pollution which'' and inserting ''air pollution or water pollution (including any degradation in the quality of groundwater) that''.

SEC. 209. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

''(v) PREVENTION OF AIR QUALITY DETERIORATION.—

''(1) STUDY.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall complete a study to determine whether the renewable fuel volumes required by this section will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

''(B) CONSIDERATIONS.—The study shall include consideration of—

''(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

''(ii) appropriate national, regional, and local air quality control measures.

''(2) REGULATIONS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall—

''(A) promulgate fuel regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by this section; or

''(B) make a determination that no such measures are necessary.''.

SEC. 210. EFFECTIVE DATE, SAVINGS PROVISION, AND TRANSITION RULES.

(a) TRANSITION RULES.—(1) For calendar year 2008, transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), that is produced from facilities that commence construction after the date of enactment of this Act shall be treated as renewable fuel within the meaning of section 211(o) of the Clean Air Act only if it achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions. For calendar years 2008 and 2009, any ethanol plant that is fired with natural gas, biomass, or any combination thereof is deemed to be in compliance with such 20 percent reduction requirement and with the 20 percent reduction requirement of section 211(o)(1) of the Clean Air Act. The terms used in this subsection shall have the same meaning as provided in the amendment made by this Act to section 211(o) of the Clean Air Act.

(2) Until January 1, 2009, the Administrator of the Environmental Protection Agency shall implement section 211(o) of the Clean Air Act and the rules promulgated under that section in accordance with the provisions of that section as in effect before the enactment of this Act and in accordance with the rules promulgated before the enactment of this Act, except that for calendar year 2008, the number ''8.5'' shall be substituted for the number ''5.4'' in the table in section 211(o)(2)(B) and in the corresponding rules promulgated to carry out those provisions. The Administrator is authorized to take such other actions as may be necessary to carry out this paragraph notwithstanding any other provision of law.

(b) SAVINGS CLAUSE.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding the following new paragraph at the end thereof:

''(13) EFFECT ON OTHER PROVISIONS.—Nothing in this subsection, or regulations issued pursuant to this subsection, shall affect or be construed to affect the regulatory status of carbon dioxide or any other greenhouse gas, or to expand or limit regulatory authority regarding carbon dioxide or any other greenhouse gas, for purposes of other provisions (including section 165) of this Act. The previous sentence shall not affect implementation and enforcement of this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this title to section 211(o) of the Clean Air Act shall take effect January 1, 2009, except that the Administrator shall promulgate regulations to carry out such amendments not later than one year after the enactment of this Act.

Subtitle B—Biofuels Research and Development

SEC. 221. BIODIESEL.

(a) BIODIESEL STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the proportion of diesel fuel sold in the United States that is biodiesel.

(b) MATERIAL FOR THE ESTABLISHMENT OF STANDARDS.—The Director of the National Institute of Standards and Technology, in consultation with the Secretary, shall make publicly available the physical property data and characterization of biodiesel and other biofuels as appropriate.

SEC. 222. BIOGAS.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the amount of transportation fuels sold in the United States that are fuel with biogas or a blend of biogas and natural gas.

SEC. 223. 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)), including tribally controlled colleges or universities, 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. 224. 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. 225. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, 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 and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 226. 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, in consultation with the Administrator of the Environmental Protection Agency, 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 and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 227. STUDY OF OPTIMIZATION OF BIOGAS USED IN NATURAL GAS VEHICLES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, 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 shall submit to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, and to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 228. ALGAL BIOMASS.

(a) IN GENERAL.—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.

(b) CONTENTS.—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. 229. BIOFUELS AND BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biofuels and biorefinery information center to make available to interested parties information on—

(1) renewable fuel feedstocks, including the varieties of fuel capable of being produced from various feedstocks;

(2) biorefinery processing techniques related to various renewable fuel feedstocks;

(3) the distribution, blending, storage, and retail dispensing infrastructure necessary for the transport and use of renewable fuels;

(4) Federal and State laws and incentives related to renewable fuel production and use;

(5) renewable fuel research and development advancements;

(6) renewable fuel development and biorefinery processes and technologies;

(7) renewable fuel resources, including information on programs and incentives for renewable fuels;

(8) renewable fuel producers;

(9) renewable fuel users; and

(10) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biofuels and biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available relating to processes and technologies for renewable fuel production;

(3) make information available to interested parties on the process for establishing a biorefinery; and

(4) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) COORDINATION AND NONDUPLICATION.—To maximum extent practicable, the Secretary shall ensure that the activities under this section are coordinated with, and do not duplicate the efforts of, centers at other government agencies.

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

SEC. 230. CELLULOSIC ETHANOL AND BIOFUELS RESEARCH.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(1) an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061));

(2) a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) (commonly referred to as ''Historically Black Colleges and Universities'');

(3) a tribal college or university (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)); or

(4) a Hispanic-serving institution (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(b) GRANTS.—The Secretary shall make cellulosic ethanol and biofuels research and development grants to 10 eligible entities selected by the Secretary to receive a grant under this section through a peer-reviewed competitive process.

(c) COLLABORATION.—An eligible entity that is selected to receive a grant under subsection (b) shall collaborate with 1 of the Bioenergy Research Centers of the Office of Science of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants described in subsection (b) $50,000,000 for fiscal year 2008, to remain available until expended.

SEC. 231. BIOENERGY RESEARCH AND DEVELOPMENT, AUTHORIZATION OF APPROPRIATION.

Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) $963,000,000 for fiscal year 2010.''; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(ii) by striking ''and'' at the end;

(B) in paragraph (3)—

(i) by striking ''$274,000,000'' and inserting ''$398,000,000''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) $419,000,000 for fiscal year 2010, of which $150,000,000 shall be for section 932(d).''.

SEC. 232. ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—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) in paragraph (3), by striking ''and'' at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

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

''(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.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(d)) is amended—

(1) in paragraph (3)(E), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the improvement and development of 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

''(6) the systematic evaluation of the impact of expanded biofuel production on the environment, including forest lands, and on the food supply for humans and animals.''.

(c) SMALL-SCALE PRODUCTION AND USE OF BIOFUELS.—Section 307(e) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(e)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) 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. 233. BIOENERGY RESEARCH CENTERS.

Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended by adding at the end the following:

''(f) BIOENERGY RESEARCH CENTERS.—

''(1) ESTABLISHMENT OF CENTERS.—In carrying out the program under subsection (a), the Secretary shall establish at least 7 bioenergy research centers, which may be of varying size.

''(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall establish at least 1 bioenergy research center in each Petroleum Administration for Defense District or Subdistrict of a Petroleum Administration for Defense District.

''(3) GOALS.—The goals of the centers established under this subsection shall be to accelerate basic transformational research and development of biofuels, including biological processes.

''(4) SELECTION AND DURATION.—

''(A) IN GENERAL.—A center under this subsection shall be selected on a competitive basis for a period of 5 years.

''(B) REAPPLICATION.—After the end of the period described in subparagraph (A), a grantee may reapply for selection on a competitive basis.

''(5) INCLUSION.—A center that is in existence on the date of enactment of this subsection—

''(A) shall be counted towards the requirement for establishment of at least 7 bioenergy research centers; and

''(B) may continue to receive support for a period of 5 years beginning on the date of establishment of the center.''.

SEC. 234. 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) RENEWABLE ENERGY.—The term ''renewable energy'' has the meaning as defined in section 902 of the Energy Policy Act of 2005.

(3) URBANIZED AREA.—The term ''urbanized area'' has the mean as defined by the U.S. Bureau of the Census.

Subtitle C—Biofuels Infrastructure

SEC. 241. 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 CFR, 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. 242. RENEWABLE FUEL DISPENSER REQUIREMENTS.

(a) MARKET PENETRATION REPORTS.—The Secretary, 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.

(b) DISPENSER FEASIBILITY STUDY.—Not later than 24 months after the date of enactment of this Act, the Secretary, 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. 243. ETHANOL PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of pipelines dedicated to the transportation of ethanol.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to the construction of pipelines dedicated to the transportation of ethanol, 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 the risk and help ensure the construction of 1 or more pipelines dedicated to the transportation of ethanol;

(5) financial incentives that may be necessary for the construction of pipelines dedicated to the transportation of ethanol, 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, including identification of remedial and preventive measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers to be 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.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 and 2009, to remain available until expended.

SEC. 244. RENEWABLE FUEL INFRASTRUCTURE GRANTS.

(a) DEFINITION OF RENEWABLE FUEL BLEND.—For purposes of this section, the term ''renewable fuel blend'' means gasoline blend that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel.

(b) INFRASTRUCTURE DEVELOPMENT GRANTS.—

(1) ESTABLISHMENT.—The Secretary 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 blends.

(2) 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 subsection that will maximize the availability and use of renewable fuel blends, and that will ensure that renewable fuel blends are available across the country. Such criteria shall provide for—

(A) consideration of the public demand for each renewable fuel blend in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(B) consideration of the opportunity to create or expand corridors of renewable fuel blend stations along interstate or State highways;

(C) consideration of the experience of each applicant with previous, similar projects;

(D) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(E) priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuel blends; and

(iii) 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 subsection is completed.

(3) LIMITATIONS.—Assistance provided under this subsection shall not exceed—

(A) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(B) $180,000 for a combination of equipment at any one retail outlet location.

(4) OPERATION OF RENEWABLE FUEL BLEND 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 blends, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel blends, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel blend sales, the type and amount of the renewable fuel blends dispensed at each location, and the average price of such fuel.

(5) NOTIFICATION REQUIREMENTS.—Not later than the date on which each renewable fuel blend station begins to offer renewable fuel blends to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of such opening. The Secretary shall add each

new renewable fuel blend station to the renewable fuel blend station locator on its Website when it receives notification under this subsection.

(6) DOUBLE COUNTING.—No person that receives a credit under section 30C of the Internal Revenue Code of 1986 may receive assistance under this section.

(7) RESERVATION OF FUNDS.—The Secretary shall reserve funds appropriated for the renewable fuel blends infrastructure development grant program for technical and marketing assistance described in subsection (c).

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—The Secretary shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuel blends 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) REFUELING INFRASTRUCTURE CORRIDORS.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant pilot program (referred to in this subsection as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in paragraph (2).

(2) GRANT PURPOSES.—A grant under this subsection shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for renewable fuel blends, including—

(A) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuel blends within the corridor;

(B) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuel blends; and

(C) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(3) APPLICATIONS.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(ii) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this subsection—

(I) be submitted by—

(aa) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(bb) a registered participant in the Vehicle Technology Deployment Program of the Department; and

(II) include—

(aa) a description of the project proposed in the application, including the ways in which the project meets the requirements of this subsection;

(bb) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuels blend available within the geographic region of the corridor, measured as a total quantity and a percentage;

(cc) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(dd) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(ee) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(ff) a description of which costs of the project will be supported by Federal assistance under this subsection.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project under the pilot program in partnership with public and private entities.

(4) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(A) consider the experience of each applicant with previous, similar projects; and

(B) give priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(iii) 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 subsection is completed;

(iv) represent a partnership of public and private entities; and

(v) exceed the minimum requirements of paragraph (3)(A)(ii).

(5) PILOT PROJECT REQUIREMENTS.—

(A) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(B) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel blend infrastructure development carried out using funds from a grant under this subsection shall be not less than 20 percent.

(C) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(D) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this subsection.

(E) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(6) SCHEDULE.—

(A) INITIAL GRANTS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(B) ADDITIONAL GRANTS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(7) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this subsection, the Secretary shall submit to Congress a report containing—

(i) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(ii) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(iii) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(B) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(e) RESTRICTION.—No grant shall be provided under subsection (b) or (c) to a large, vertically integrated oil company.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $200,000,000 for each of the fiscal years 2008 through 2014.

SEC. 245. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation and distribution infrastructure, equipment, service and

capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation and distribution of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether adequate competition exists within and between modes of transportation for the transportation and distribution of domestically-produced renewable fuel and, whether inadequate competition leads to an unfair price for the transportation and distribution of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation and distribution of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(H) provide recommendations on ways to facilitate the reliable 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 Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure 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. 246. 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) DEPARTMENT OF DEFENSE FACILITY.—This section shall not apply to a Department of Defense fueling center with a fuel turnover rate of less than 100,000 gallons of fuel per year.

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

SEC. 247. 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.—(1) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 20 percent biodiesel (commonly known as 'B20') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification number so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

''(2) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 5 percent biodiesel (commonly known as 'B5') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

''(3) Whenever the Administrator is required to initiate a rulemaking under paragraph (1) or (2), the Administrator shall promulgate a final rule within 18 months after the date of the enactment of this subsection.

''(4) Not later than 180 days after the enactment of this subsection, the Administrator shall establish an annual inspection and enforcement program to ensure that diesel fuel containing biodiesel sold or distributed in interstate commerce meets the standards established under regulations under this section, including testing and certification for compliance with applicable standards of the American Society for Testing and Materials. There are authorized to be appropriated to carry out the inspection and enforcement program under this paragraph $3,000,000 for each of fiscal years 2008 through 2010.

''(5) For purposes of this subsection, the term 'biodiesel' has the meaning provided by section 312(f) of Energy Policy Act of 1992 (42 U.S.C. 13220(f)).''.

SEC. 248. BIOFUELS DISTRIBUTION AND ADVANCED BIOFUELS INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation and in consultation with the Administrator of the Environmental Protection Agency, shall carry out a program of research, development, and demonstration relating to existing transportation fuel distribution infrastructure and new alternative distribution infrastructure.

(b) FOCUS.—The program described in subsection (a) shall focus on the physical and chemical properties of biofuels and efforts to prevent or mitigate against adverse impacts of those properties in the areas of—

(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 uses;

(7) microbial contamination;

(8) problems associated with electrical conductivity; and

(9) such other areas as the Secretary considers appropriate.

Subtitle D—Environmental Safeguards

SEC. 251. WAIVER FOR FUEL OR FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)) is amended to read as follows:

''(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.''.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

SEC. 301. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36)—

(A) by striking ''(36) The'' and inserting the following:

''(36) EXTERNAL POWER SUPPLY.—

''(A) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(B) ACTIVE MODE.—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.

''(C) CLASS A EXTERNAL POWER SUPPLY.—

''(i) IN GENERAL.—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 1 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 that is less than or equal to 250 watts.

''(ii) EXCLUSIONS.—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 in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); 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) NO-LOAD MODE.—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.''; and

(2) by adding at the end the following:

''(52) DETACHABLE BATTERY.—The term 'detachable battery' means a battery that is—

''(A) contained in a separate enclosure from the product; and

''(B) intended to be removed or disconnected from the product for recharging.''.

(b) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

''(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the 'Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies' published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.''.

(c) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

''(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a class A external power supply manufactured on or after the later of July 1, 2008, or the date of enactment of this paragraph 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) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

''(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

''(ii) 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.

''(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph 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) AMENDMENT OF STANDARDS.—

''(i) FINAL RULE BY JULY 1, 2011.—

''(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended.

''(II) ADMINISTRATION.—The final rule shall—

''(aa) contain any amended standards; and

''(bb) apply to products manufactured on or after July 1, 2013.

''(ii) FINAL RULE BY JULY 1, 2015.—

''(I) IN GENERAL.—Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

''(II) ADMINISTRATION.—The final rule shall—

''(aa) contain any amended standards; and

''(bb) apply to products manufactured on or after July 1, 2017.

''(7) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supplies is connected.''.

SEC. 302. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking ''(1)'' and all that follows through the end of the paragraph and inserting the following:

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

''(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) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking ''(a)'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

''(i) 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 the class in accordance with this section; or

''(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.''.

SEC. 303. RESIDENTIAL BOILERS.

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

(1) in the subsection heading, by inserting ''AND BOILERS'' after ''FURNACES'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), 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 (other than a boiler equipped with a tankless domestic water heating coil) 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 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the 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.—A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices shall not be required to meet the requirements of this paragraph.''.

SEC. 304. FURNACE FAN STANDARD PROCESS.

Paragraph (4)(D) of section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) (as redesignated by section 303(4)) is amended by striking ''the Secretary may'' and inserting ''not later than December 31, 2013, the Secretary shall''.

SEC. 305. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

''(m) AMENDMENT OF STANDARDS.—

''(1) IN GENERAL.—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—

''(A) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subsection (n)(2); or

''(B) a notice of proposed rulemaking including new proposed standards based on the criteria established under subsection (o) and the procedures established under subsection (p).

''(2) NOTICE.—If the Secretary publishes a notice under paragraph (1), the Secretary shall—

''(A) publish a notice stating that the analysis of the Department is publicly available; and

''(B) provide an opportunity for written comment.

''(3) AMENDMENT OF STANDARD; NEW DETERMINATION.—

''(A) AMENDMENT OF STANDARD.—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.

''(B) NEW DETERMINATION.—Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under subparagraph (A) or (B) of paragraph (1).

''(4) APPLICATION TO PRODUCTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an amendment prescribed under this subsection shall apply to—

''(i) with respect to refrigerators, refrigerator-freezers, freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, and kitchen ranges and ovens, such a product that is manufactured after the date that is 3 years after publication of the final rule establishing an applicable standard; and

''(ii) with respect to central air conditioners, heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces, such a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

''(B) OTHER NEW STANDARDS.—A manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required during the prior 6-year period.

''(5) REPORTS.—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 established under 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 striking ''(6)(A)(i)'' and all that follows through the end of subparagraph (B) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—

''(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

''(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(B) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

''(C) AMENDMENT OF STANDARD.—

''(i) IN GENERAL.—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—

''(I) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subparagraph (A); or

''(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures established under subparagraph (B).

''(ii) NOTICE.—If the Secretary publishes a notice under clause (i), the Secretary shall—

''(I) publish a notice stating that the analysis of the Department is publicly available; and

''(II) provide an opportunity for written comment.

''(iii) AMENDMENT OF STANDARD; NEW DETERMINATION.—

''(I) AMENDMENT OF STANDARD.—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.

''(II) NEW DETERMINATION.—Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under subclause (I) or (II) of clause (i).

''(iv) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to products manufactured after a date that is the later of—

''(I) the date that is 3 years after publication of the final rule establishing a new standard; or

''(II) the date that is 6 years after the effective date of the current standard for a covered product.

''(v) REPORTS.—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 progress report every 180 days on compliance with this subparagraph, including a specific plan to remedy any failures to comply with deadlines for action established under this subparagraph.''.

SEC. 306. REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.

(a) IN GENERAL.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

''(6) REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.—

''(A) IN GENERAL.—In any rulemaking to establish a new or amended standard, the Secretary may consider the establishment of separate standards by geographic region for furnaces (except boilers), central air conditioners, and heat pumps.

''(B) NATIONAL AND REGIONAL STANDARDS.—

''(i) NATIONAL STANDARD.—If the Secretary establishes a regional standard for a product, the Secretary shall establish a base national standard for the product.

''(ii) REGIONAL STANDARDS.—If the Secretary establishes a regional standard for a product, the Secretary may establish more restrictive standards for the product by geographic region as follows:

''(I) For furnaces, the Secretary may establish 1 additional standard that is applicable in a geographic region defined by the Secretary.

''(II) For any cooling product, the Secretary may establish 1 or 2 additional standards that are applicable in 1 or 2 geographic regions as may be defined by the Secretary.

''(C) BOUNDARIES OF GEOGRAPHIC REGIONS.—

''(i) IN GENERAL.—Subject to clause (ii), the boundaries of additional geographic regions established by the Secretary under this paragraph shall include only contiguous States.

''(ii) ALASKA AND HAWAII.—The States of Alaska and Hawaii may be included under this paragraph in a geographic region that the States are not contiguous to.

''(iii) INDIVIDUAL STATES.—Individual States shall be placed only into a single region under this paragraph.

''(D) PREREQUISITES.—In establishing additional regional standards under this paragraph, the Secretary shall—

''(i) establish additional regional standards only if the Secretary determines that—

''(I) the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and

''(II) the additional regional standards are economically justified under this paragraph; and

''(ii) consider the impact of the additional regional standards on consumers, manufacturers, and other market participants, including product distributors, dealers, contractors, and installers.

''(E) APPLICATION; EFFECTIVE DATE.—

''(i) BASE NATIONAL STANDARD.—Any base national standard established for a product under this paragraph shall—

''(I) be the minimum standard for the product; and

''(II) apply to all products manufactured or imported into the United States on and after the effective date for the standard.

''(ii) REGIONAL STANDARDS.—Any additional and more restrictive regional standard established for a product under this paragraph shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply.

''(F) CONTINUATION OF REGIONAL STANDARDS.—

''(i) IN GENERAL.—In any subsequent rulemaking for any product for which a regional standard has been previously established, the Secretary shall determine whether to continue the establishment of separate regional standards for the product.

''(ii) REGIONAL STANDARD NO LONGER APPROPRIATE.—Except as provided in clause (iii), if the Secretary determines that regional standards are no longer appropriate for a product, beginning on the effective date of the amended standard for the product—

''(I) there shall be 1 base national standard for the product with Federal enforcement; and

''(II) State authority for enforcing a regional standard for the product shall terminate.

''(iii) REGIONAL STANDARD APPROPRIATE BUT STANDARD OR REGION CHANGED.—

''(I) STATE NO LONGER CONTAINED IN REGION.—Subject to subclause (III), if a State is no longer contained in a region in which a regional standard that is more stringent than the base national standard applies, the authority of the State to enforce the regional standard shall terminate.

''(II) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that an existing regional standard for a State is equal to the revised base national standard—

''(aa) the authority of the State to enforce the regional standard shall terminate on the effective date of the revised base national standard; and

''(bb) the State shall be subject to the revised base national standard.

''(III) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that the standard for a State is lower than the previously approved regional standard, the State may continue to enforce the previously approved standard level.

''(iv) WAIVER OF FEDERAL PREEMPTION.—Nothing in this paragraph diminishes the authority of a State to enforce a State regulation for which a waiver of Federal preemption has been granted under section 327(d).

''(G) ENFORCEMENT.—

''(i) BASE NATIONAL STANDARD.—

''(I) IN GENERAL.—The Secretary shall enforce any base national standard.

''(II) TRADE ASSOCIATION CERTIFICATION PROGRAMS.—In enforcing the base national standard, the Secretary shall use, to the maximum extent practicable, national standard nationally recognized certification programs of trade associations.

''(ii) REGIONAL STANDARDS.—

''(I) ENFORCEMENT PLAN.—Not later than 90 days after the date of the issuance of a final rule that establishes a regional standard, the Secretary shall initiate a rulemaking to develop and implement an effective enforcement plan for regional standards for the products that are covered by the final rule.

''(II) RESPONSIBLE ENTITIES.—Any rules regarding enforcement of a regional standard shall clearly specify which entities are legally responsible for compliance with the standards and for making any required information or labeling disclosures.

''(III) FINAL RULE.—Not later than 15 months after the date of the issuance of a final rule that establishes a regional standard for a product, the Secretary shall promulgate a final rule covering enforcement of regional standards for the product.

''(IV) INCORPORATION BY STATES AND LOCALITIES.—A State or locality may incorporate any Federal regional standard into State or local building codes or State appliance standards.

''(V) STATE ENFORCEMENT.—A State agency may seek enforcement of a Federal regional standard in a Federal court of competent jurisdiction.

''(H) INFORMATION DISCLOSURE.—

''(i) IN GENERAL.—Not later than 90 days after the date of the publication of a final rule that establishes a regional standard for a product, the Federal Trade Commission shall undertake a rulemaking to determine the appropriate 1 or more methods for disclosing information so that consumers, distributors, contractors, and installers can easily determine whether a specific piece of equipment that is installed in a specific building is in conformance with the regional standard that applies to the building.

''(ii) METHODS.—A method of disclosing information under clause (i) may include—

''(I) modifications to the Energy Guide label; or

''(II) other methods that make it easy for consumers and installers to use and understand at the point of installation.

''(iii) COMPLETION OF RULEMAKING.—The rulemaking shall be completed not later 15 months after the date of the publication of a final rule that establishes a regional standard for a product.''.

(b) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking ''or'' after the semicolon at the end;

(2) in paragraph (5), by striking ''part.'' and inserting ''part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or''; and

(3) by adding at the end the following:

''(6) for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.''.

(c) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—Section 342(a)(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)(B)) is amended by adding at the end the following:

''(iii) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—If the Secretary is considering revised standards for air-cooled 3-phase central air conditioners and central air conditioning heat pumps with less 65,000 Btu per hour (cooling capacity), the Secretary shall use commercial energy prices and operating patterns in all analyses conducted by the Secretary.''.

SEC. 307. 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. 308. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) (as amended by section 307) is amended by adding at the end the following:

''(4) DIRECT FINAL RULES.—

''(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

''(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

''(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(i).

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i) or any alternative joint recommendation; and

''(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o),

section 342(a)(6)(B), or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting ''section 325(p)(5),'' after ''The provisions of''.

SEC. 309. BATTERY CHARGERS.

Section 325(u)(1)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(1)(E)) is amended—

(1) by striking ''(E)(i) Not'' and inserting the following:

''(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

''(i) ENERGY CONSERVATION STANDARDS.—

''(I) EXTERNAL POWER SUPPLIES.—Not'';

(2) by striking ''3 years'' and inserting ''2 years'';

(3) by striking ''battery chargers and'' each place it appears; and

(4) by adding at the end the following :

''(II) BATTERY CHARGERS.—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.''.

SEC. 310. 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 (6) as paragraphs (2) and (3), respectively;

(2) by redesignating subsection (gg) as subsection (hh);

(3) by inserting after subsection (ff) the following:

''(gg) STANDBY MODE ENERGY USE.—

''(1) DEFINITIONS.—

''(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

''(i) ACTIVE MODE.—The term 'active mode' means the condition in which an energy-using product—

''(I) is connected to a main power source;

''(II) has been activated; and

''(III) provides 1 or more main functions.

''(ii) OFF MODE.—The term 'off mode' means the condition in which an energy-using product—

''(I) is connected to a main power source; and

''(II) is not providing any standby or active mode function.

''(iii) STANDBY MODE.—The term 'standby mode' means the condition in which an energy-using product—

''(I) is connected to a main power source; and

''(II) offers 1 or more of the following user-oriented or protective functions:

''(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

''(bb) 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) IN GENERAL.—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 the standby mode and off mode energy consumption of the covered product; or

''(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

''(B) DEADLINES.—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) PRIOR PRODUCT STANDARDS.—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 the amended test procedures.

''(3) INCORPORATION INTO STANDARD.—

''(A) IN GENERAL.—Subject to subparagraph (B), 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), if feasible.

''(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o).''; and

(4) in paragraph (2) of subsection (hh) (as redesignated by paragraph (2)) , by striking ''(ff)'' each place it appears and inserting ''(gg)''.

SEC. 311. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—

(1) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—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 CLOTHES WASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended by adding at the end the following:

''(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

''(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

''(i) a Modified Energy Factor of at least 1.26; and

''(ii) a water factor of not more than 9.5.

''(B) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

''(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

''(10) RESIDENTIAL DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—

''(A) IN GENERAL.—A dishwasher manufactured on or after January 1, 2010, shall—

''(i) for a standard size dishwasher not exceed 355 kwh/year and 6.5 gallon per cycle; and

''(ii) for a compact size dishwasher not exceed 260 kwh/year and 4.5 gallons per cycle.

''(B) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not 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.

''(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.''.

(3) REFRIGERATORS AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—

''(A) IN GENERAL.—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.

''(B) AMENDED STANDARDS.—The final rule shall contain any amended standards.''.

(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. 312. 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) WALK-IN COOLER; WALK-IN FREEZER.—

''(A) IN GENERAL.—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 3,000 square feet.

''(B) EXCLUSION.—The terms 'walk-in cooler' and 'walk-in freezer' do not include 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) IN GENERAL.—Subject to paragraphs (2) through (5), each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall—

''(A) have automatic door closers that firmly close all walk-in doors that have been closed to within 1 inch of full closure, except that this subparagraph shall 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, except that this subparagraph shall 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 1 horsepower and less than 460 volts, use—

''(i) electronically commutated motors (brushless direct current motors); or

''(ii) 3-phase motors;

''(F) for condenser fan motors of under 1 horsepower, use—

''(i) electronically commutated motors;

''(ii) permanent split capacitor-type motors; or

''(iii) 3-phase motors; and

''(G) for all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any), except that 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 by people.

''(2) ELECTRONICALLY COMMUTATED MOTORS.—

''(A) IN GENERAL.—The requirements of paragraph (1)(E)(i) for electronically commutated motors shall take effect January 1, 2009, unless, prior to that date, the Secretary determines that such motors are only available from 1 manufacturer.

''(B) OTHER TYPES OF MOTORS.—In carrying out paragraph (1)(E)(i) and subparagraph (A), the Secretary may allow other types of motors if the Secretary determines that, on average, those other motors use no more energy in evaporator fan applications than electronically commutated motors.

''(C) MAXIMUM ENERGY CONSUMPTION LEVEL.—The Secretary shall establish the maximum energy consumption level under subparagraph (B) not later than January 1, 2010.

''(3) ADDITIONAL SPECIFICATIONS.—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 for walk-in freezers and windows in walk-in freezer doors 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 cooler doors shall be—

''(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, the appliance shall have a total door rail, glass, and frame heater power draw of not 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), the antisweat heat controls shall reduce the energy use of the antisweat heater in a quantity corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

''(4) PERFORMANCE-BASED STANDARDS.—

''(A) IN GENERAL.—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 that the Secretary determines is technologically feasible and economically justified.

''(B) APPLICATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the standards shall apply to products described in subparagraph (A) that are manufactured beginning on the date that is 3 years after the final rule is published.

''(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.

''(5) AMENDMENT OF STANDARDS.—

''(A) IN GENERAL.—Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (4) should be amended.

''(B) APPLICATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the rule shall provide that the standards shall apply to products manufactured beginning on the date that is 3 years after the final rule is published.

''(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the 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) WALK-IN COOLERS AND WALK-IN FREEZERS.—

''(A) IN GENERAL.—For the purpose of test procedures for walk-in coolers and walk-in freezers:

''(i) The R value shall be the 1/K factor multiplied by the thickness of the panel.

''(ii) The K factor shall be based on ASTM test procedure C518-2004.

''(iii) For calculating the R value for freezers, the K factor of the foam at 20°F (average foam temperature) shall be used.

''(iv) For calculating the R value for coolers, the K factor of the foam at 55°F (average foam temperature) shall be used.

''(B) TEST PROCEDURE.—

''(i) IN GENERAL.—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.

''(ii) COMPUTER MODELING.—The 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)'' each place it appears and inserting ''subparagraphs (B) through (G)''; and

(2) by adding at the end the following:

''(h) WALK-IN COOLERS AND WALK-IN FREEZERS.—

''(1) COVERED TYPES.—

''(A) RELATIONSHIP TO OTHER LAW.—

''(i) IN GENERAL.—Except as otherwise provided in this subsection, section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1), (2), and (3) 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) STATE STANDARDS.—Any State standard prescribed 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) ADMINISTRATION.—In applying section 327 to equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

''(2) FINAL RULE NOT TIMELY.—

''(A) IN GENERAL.—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 established under paragraph (4) or (5) of section 342(f), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

''(i) beginning on the day after the scheduled date for a final rule; and

''(ii) 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) STATE STANDARDS.—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) CALIFORNIA.—Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 342(f), shall not be preempted until the standards established under section 342(f)(3) take effect.''.

SEC. 313. 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 ''(13)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(13) ELECTRIC MOTOR.—

''(A) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE I).—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 entitled 'Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors' (10 C.F.R. 431), as in effect on the date of enactment of the Energy Independence and Security Act of 2007.

''(B) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE II).—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 1 of the following:

''(i) A U-Frame Motor.

''(ii) A Design C Motor.

''(iii) A close-coupled pump motor.

''(iv) A Footless motor.

''(v) A vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

''(vi) An 8-pole motor (900 rpm).

''(vii) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts.''.

(b) STANDARDS.—

(1) AMENDMENT.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

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

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

''(2) ELECTRIC MOTORS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I).—Except as provided in subparagraph (B), each general purpose electric motor (subtype I) 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 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–12.

''(B) FIRE PUMP MOTORS.—Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007 shall have nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

''(C) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE II).—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 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

''(D) NEMA DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—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 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 314. STANDARDS FOR SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND HEAT PUMPS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

''(22) SINGLE PACKAGE VERTICAL AIR CONDITIONER.—The term 'single package vertical air conditioner' means air-cooled commercial package air conditioning and heating equipment that—

''(A) is factory-assembled as a single package that—

''(i) has major components that are arranged vertically;

''(ii) is an encased combination of cooling and optional heating components; and

''(iii) is intended for exterior mounting on, adjacent interior to, or through an outside wall;

''(B) is powered by a single- or 3-phase current;

''(C) may contain 1 or more separate indoor grilles, outdoor louvers, various ventilation options, indoor free air discharges, ductwork, well plenum, or sleeves; and

''(D) has heating components that may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.

''(23) SINGLE PACKAGE VERTICAL HEAT PUMP.—The term 'single package vertical heat pump' means a single package vertical air conditioner that—

''(A) uses reverse cycle refrigeration as its primary heat source; and

''(B) 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 the first sentence of each of paragraphs (1) and (2), by inserting ''(including single package vertical air conditioners and single package vertical heat pumps)'' after ''heating equipment'' each place it appears;

(2) in paragraph (1), by striking ''but before January 1, 2010,'';

(3) in the first sentence of each of paragraphs (7), (8), and (9), by inserting ''(other than single package vertical air conditioners and single package vertical heat pumps)'' after ''heating equipment'' each place it appears;

(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:

''(D) For equipment manufactured on or after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007—

''(i) the minimum seasonal energy efficiency ratio of air-cooled 3-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;

''(ii) the minimum seasonal energy efficiency ratio of air-cooled 3-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;

''(iii) the minimum heating seasonal performance factor of air-cooled 3-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7; and

''(iv) 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 at the end the following:

''(10) SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND SINGLE PACKAGE VERTICAL HEAT PUMPS.—

''(A) IN GENERAL.—Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

''(i) 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.

''(ii) 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.

''(iii) 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.

''(iv) 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.

''(v) 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.

''(vi) 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.

''(vii) 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.

''(viii) 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.

''(B) REVIEW.—Not later than 3 years 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 in accordance with the procedures established under paragraph (6).''.

SEC. 315. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

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

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

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in

cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 316. TECHNICAL CORRECTIONS.

(a) DEFINITION OF F96T12 LAMP.—

(1) IN GENERAL.—Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 624) is amended by striking ''C78.1–1978(R1984)'' and inserting ''C78.3–1978(R1984)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on August 8, 2005.

(b) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 301(a)(2)) is amended—

(A) by striking paragraphs (46) through (48) and inserting the following:

''(46) HIGH INTENSITY DISCHARGE LAMP.—

''(A) IN GENERAL.—The term 'high intensity discharge lamp' means an electric-discharge lamp in which—

''(i) the light-producing arc is stabilized by the arc tube wall temperature; and

''(ii) the arc tube wall loading is in excess of 3 Watts/cm^2.

''(B) INCLUSIONS.—The term 'high intensity discharge lamp' includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

''(47) MERCURY VAPOR LAMP.—

''(A) IN GENERAL.—The term 'mercury vapor lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury typically operating at a partial vapor pressure in excess of 100,000 Pa (approximately 1 atm).

''(B) INCLUSIONS.—The term 'mercury vapor lamp' includes clear, phosphor-coated, and self-ballasted screw base lamps described in subparagraph (A).

''(48) MERCURY VAPOR LAMP BALLAST.—The term 'mercury vapor lamp ballast' means a device that is designed and marketed to start and operate mercury vapor lamps intended for general illumination by providing the necessary voltage and current.''; and

(B) by adding at the end the following:

''(53) SPECIALTY APPLICATION MERCURY VAPOR LAMP BALLAST.—The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

''(A) is designed and marketed for operation of mercury vapor lamps used in quality inspection, industrial processing, or scientific use, including fluorescent microscopy and ultraviolet curing; and

''(B) in the case of a specialty application mercury vapor lamp ballast, the label of which—

''(i) provides that the specialty application mercury vapor lamp ballast is 'For specialty applications only, not for general illumination'; and

''(ii) specifies the specific applications for which the ballast is designed.''.

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting ''(other than specialty application mercury vapor lamp ballasts)'' after ''ballasts''.

(d) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) 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)''; and

(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''.

Subtitle B—Lighting Energy Efficiency

SEC. 321. EFFICIENT LIGHT BULBS.

(a) ENERGY EFFICIENCY STANDARDS FOR GENERAL SERVICE INCANDESCENT LAMPS.—

(1) DEFINITION OF GENERAL SERVICE INCANDESCENT LAMP.—Section 321(30) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)) is amended—

(A) by striking subparagraph (D) and inserting the following:

''(D) GENERAL SERVICE INCANDESCENT LAMP.—

''(i) IN GENERAL.—The term 'general service incandescent lamp' means a standard incandescent or halogen type lamp that—

''(I) is intended for general service applications;

''(II) has a medium screw base;

''(III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and

''(IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

''(ii) EXCLUSIONS.—The term 'general service incandescent lamp' does not include the following incandescent lamps:

''(I) An appliance lamp.

''(II) A black light lamp.

''(III) A bug lamp.

''(IV) A colored lamp.

''(V) An infrared lamp.

''(VI) A left-hand thread lamp.

''(VII) A marine lamp.

''(VIII) A marine signal service lamp.

''(IX) A mine service lamp.

''(X) A plant light lamp.

''(XI) A reflector lamp.

''(XII) A rough service lamp.

''(XIII) A shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).

''(XIV) A sign service lamp.

''(XV) A silver bowl lamp.

''(XVI) A showcase lamp.

''(XVII) A 3-way incandescent lamp.

''(XVIII) A traffic signal lamp.

''(XIX) A vibration service lamp.

''(XX) A G shape lamp (as defined in ANSI C78.20 -2003 andC79.1-2002with a diameter of 5 inches or more.

''(XXI) A T shape lamp (as defined in ANSIC78.20-2003 and C79.1-2002) and that uses not more than 40 watts or has a length of more than 10 inches.

''(XXII) A B, BA, CA, F, G16–1/2,G–25,G30, S, or M–14 lamp (as defined in ANSI C79.1-2002 and ANSI C78.20-2003) of 40 watts or less.''; and

(B) by adding at the end the following:

''(T) APPLIANCE LAMP.—The term 'appliance lamp' means any lamp that—

''(i) is specifically designed to operate in a household appliance, has a maximum wattage of 40 watts, and is sold at retail, including an oven lamp, refrigerator lamp, and vacuum cleaner lamp; and

''(ii) is designated and marketed for the intended application, with—

''(I) the designation on the lamp packaging; and

''(II) marketing materials that identify the lamp as being for appliance use.

''(U) CANDELABRA BASE INCANDESCENT LAMP.—The term 'candelabra base incandescent lamp' means a lamp that uses candelabra screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designations E11 and E12.

''(V) INTERMEDIATE BASE INCANDESCENT LAMP.—The term 'intermediate base incandescent lamp' means a lamp that uses an intermediate screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designation E17.

''(W) MODIFIED SPECTRUM.—The term 'modified spectrum' means, with respect to an incandescent lamp, an incandescent lamp that—

''(i) is not a colored incandescent lamp; and

''(ii) when operated at the rated voltage and wattage of the incandescent lamp—

''(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 (as referenced in IESNA LM16) distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage.

''(X) ROUGH SERVICE LAMP.—The term 'rough service lamp' means a lamp that—

''(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, or similar configurations where lead wires are not counted as supports; and

''(ii) is designated and marketed specifically for 'rough service' applications, with—

''(I) the designation appearing on the lamp packaging; and

''(II) marketing materials that identify the lamp as being for rough service.

''(Y) 3-WAY INCANDESCENT LAMP.—The term '3-way incandescent lamp' includes an incandescent lamp that—

''(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and

''(ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.

''(Z) SHATTER-RESISTANT LAMP, SHATTER-PROOF LAMP, OR SHATTER-PROTECTED LAMP.—The terms 'shatter-resistant lamp', 'shatter-proof lamp', and 'shatter-protected lamp' mean a lamp that—

''(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and

''(ii) is designated and marketed for the intended application, with—

''(I) the designation on the lamp packaging; and

''(II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.

''(AA) VIBRATION SERVICE LAMP.—The term 'vibration service lamp' means a lamp that—

''(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of

the 9th Edition of the IESNA Lighting Handbook or similar configurations;

''(ii) has a maximum wattage of 60 watts;

''(iii) is sold at retail in packages of 2 lamps or less; and

''(iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—

''(I) the designation appearing on the lamp packaging; and

''(II) marketing materials that identify the lamp as being vibration service only.

''(BB) GENERAL SERVICE LAMP.—

''(i) IN GENERAL.—The term 'general service lamp' includes—

''(I) general service incandescent lamps;

''(II) compact fluorescent lamps;

''(III) general service light-emitting diode (LED or OLED) lamps; and

''(IV) any other lamps that the Secretary determines are used to satisfy lighting applications traditionally served by general service incandescent lamps.

''(ii) EXCLUSIONS.—The term 'general service lamp' does not include—

''(I) any lighting application or bulb shape described in any of subclauses (I) through (XXII) of subparagraph (D)(ii); or

''(II) any general service fluorescent lamp or incandescent reflector lamp.

''(CC) LIGHT-EMITTING DIODE; LED.—

''(i) IN GENERAL.—The terms 'light-emitting diode' and 'LED' means a p–n junction solid state device the radiated output of which is a function of the physical construction, material used, and exciting current of the device.

''(ii) OUTPUT.—The output of a light-emitting diode may be in—

''(I) the infrared region;

''(II) the visible region; or

''(III) the ultraviolet region.

''(DD) ORGANIC LIGHT-EMITTING DIODE; OLED.—The terms 'organic light-emitting diode' and 'OLED' mean a thin-film light-emitting device that typically consists of a series of organic layers between 2 electrical contacts (electrodes).

''(EE) COLORED INCANDESCENT LAMP.—The term 'colored incandescent lamp' means an incandescent lamp designated and marketed as a colored lamp that has—

''(i) a color rendering index of less than 50, as determined according to the test method given in C.I.E. publication 13.3–1995; or

''(ii) a correlated color temperature of less than 2,500K, or greater than 4,600K, where correlated temperature is computed according to the Journal of Optical Society of America, Vol. 58, pages 1528–1595 (1986).''.

(2) COVERAGE.—Section 322(a)(14) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)(14)) is amended by inserting '', general service incandescent lamps,'' after ''fluorescent lamps''.

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

(A) in subsection (i)—

(i) in the section heading, by inserting '', GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS,'' after ''FLUORESCENT LAMPS'';

(ii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting '', general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps,'' after ''fluorescent lamps'';

(bb) by inserting '', new maximum wattage,'' after ''lamp efficacy''; and

(cc) by inserting after the table entitled ''INCANDESCENT REFLECTOR LAMPS'' the following:

GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014'';

and

(II) by striking subparagraph (B) and inserting the following:

''(B) APPLICATION.—

''(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

''(I) is intended for a general service or general illumination application (whether incandescent or not);

''(II) has a medium screw base or any other screw base not defined in ANSI C81.61–2006;

''(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

''(IV) is manufactured or imported after December 31, 2011.

''(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

''(I) 80 for nonmodified spectrum lamps; or

''(II) 75 for modified spectrum lamps.

''(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

''(i) CANDELABRA BASE INCANDESCENT LAMPS.—A candelabra base incandescent lamp shall not exceed 60 rated watts.

''(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—An intermediate base incandescent lamp shall not exceed 40 rated watts.

''(D) EXEMPTIONS.—

''(i) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

''(ii) CRITERIA.—The Secretary may grant an exemption under clause (i) only to the extent that 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, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

''(iii) ADDITIONAL CRITERION.—To grant an exemption for a product under this subparagraph, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

''(E) EXTENSION OF COVERAGE.—

''(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

''(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

''(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

''(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

''(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based on sales data provided to the Secretary from manufacturers and importers.

''(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

''(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

''(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

''(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

''(F) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A), the term 'effective date' means the last day of the month specified in the table that follows October 24, 1992.'';

(iii) in paragraph (5), in the first sentence, by striking ''and general service incandescent lamps'';

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

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

''(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

''(A) RULEMAKING BEFORE JANUARY 1, 2014.—

''(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended to establish more stringent standards than the standards specified in paragraph (1)(A); and

''(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking—

''(I) shall not be limited to incandescent lamp technologies; and

''(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

''(iii) AMENDED STANDARDS.—If 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 that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

''(vi) STATE PREEMPTION.—Neither section 327(b) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

''(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

''(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

''(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

''(B) RULEMAKING BEFORE JANUARY 1, 2020.—

''(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattage than the standards specified in paragraph (1)(A); and

''(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales data collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

''(iii) AMENDED STANDARDS.—If 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 that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.''; and

(B) in subsection (l), by adding at the end the following:

''(4) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LAMPS.—

''(A) IN GENERAL.—The Secretary shall prescribe an energy efficiency standard for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps only in accordance with this paragraph.

''(B) BENCHMARKS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

''(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to determine the historical growth rate of the type of lamp; and

''(ii) construct a model for each type of lamp based on coincident economic indicators that closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.

''(C) ACTUAL SALES DATA.—

''(i) IN GENERAL.—Effective for each of calendar years 2010 through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

''(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and

''(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).

''(ii) CONTINUATION OF TRACKING.—

''(I) DETERMINATION.—Not later than January 1, 2023, the Secretary shall determine if actual sales data should be tracked for the lamp types described in subparagraph (A) after calendar year 2025.

''(II) CONTINUATION.—If the Secretary finds that the market share of a lamp type described in subparagraph (A) could significantly erode the market share for general service lamps, the Secretary shall continue to track the actual sales data for the lamp type.

''(D) ROUGH SERVICE LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for rough service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require rough service lamps to—

''(I) have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;

''(II) have a maximum 40-watt limitation; and

''(III) be sold at retail only in a package containing 1 lamp.

''(E) VIBRATION SERVICE LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for vibration service lamps demonstrates actual unit sales of vibration service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require vibration service lamps to—

''(I) have a maximum 40-watt limitation; and

''(II) be sold at retail only in a package containing 1 lamp.

''(F) 3-WAY INCANDESCENT LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for 3-way incandescent lamps demonstrates actual unit sales of 3-way incandescent lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for 3-way incandescent lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall require that—

''(I) each filament in a 3-way incandescent lamp meet the new maximum wattage requirements for the respective lumen range established under subsection (i)(1)(A); and

''(II) 3-way lamps be sold at retail only in a package containing 1 lamp.

''(G) 2,601–3,300 LUMEN GENERAL SERVICE INCANDESCENT LAMPS.—Effective beginning with the first year that the reported annual sales rate demonstrates actual unit sales of 2,601–3,300 lumen general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens (or, in the case of a modified spectrum, in the lumen range of 1,951 through 2,475 lumens) that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall impose—

''(i) a maximum 95-watt limitation on general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens; and

''(ii) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

''(H) SHATTER-RESISTANT LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for shatter-resistant lamps demonstrates actual unit sales of shatter-resistant lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for shatter-resistant lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall impose—

''(I) a maximum wattage limitation of 40 watts on shatter resistant lamps; and

''(II) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

''(I) RULEMAKINGS BEFORE JANUARY 1, 2025.—

''(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary issues a final rule prior to January 1, 2025, establishing an energy conservation standard for any of the 5 types of lamps for which data collection is required under any of subparagraphs (D) through (G), the requirement to collect and model data for that type of lamp shall terminate unless, as part of the rulemaking, the Secretary determines that continued tracking is necessary.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary imposes a backstop requirement as a result of a failure to complete an accelerated rulemaking in accordance with clause (i)(II) of any of subparagraphs (D) through (G), the requirement to collect and model data for the applicable type of lamp shall continue for an additional 2 years after the effective date of the backstop requirement.''.

(b) CONSUMER EDUCATION AND LAMP LABELING.—Section 324(a)(2)(C) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)) is amended by adding at the end the following:

''(iii) RULEMAKING TO CONSIDER EFFECTIVENESS OF LAMP LABELING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this clause, the Commission shall initiate a rulemaking to consider—

''(aa) the effectiveness of current lamp labeling for power levels or watts, light output or lumens, and lamp lifetime; and

''(bb) alternative labeling approaches that will help consumers to understand new high-efficiency lamp products and to base the purchase decisions of the consumers on the most appropriate source that meets the requirements of the consumers for lighting level, light quality, lamp lifetime, and total lifecycle cost.

''(II) COMPLETION.—The Commission shall—

''(aa) complete the rulemaking not later than the date that is 30 months after the date of enactment of this clause; and

''(bb) consider reopening the rulemaking not later than 180 days before the effective dates of the standards for general service incandescent lamps established under section 325(i)(1)(A), if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives.''.

(c) MARKET ASSESSMENTS AND CONSUMER AWARENESS PROGRAM.—

(1) IN GENERAL.—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 of Energy determines to be appropriate, the Secretary of Energy shall—

(A) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps—

(i) to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and nonresidential consumers; and

(ii) to better understand the degree to which consumer decisionmaking is based on lamp power levels or watts, light output or lumens, lamp lifetime, and other factors, including information required on labels mandated by the Federal Trade Commission;

(B) provide the results of the market assessment to the Federal Trade Commission for consideration in the rulemaking described in section 324(a)(2)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)(iii)); and

(C) in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties, carry out a proactive national program of consumer awareness, information, and education that broadly uses 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 the needs of consumers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2009 through 2012.

(d) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Section 327(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by inserting ''or'' after the semicolon at the end; and

(3) by adding at the end the following:

''(B) in the case of any portion of any regulation that establishes requirements for general service incandescent lamps, intermediate base incandescent lamps, or candelabra base lamps, was enacted or adopted by the States of California or Nevada before December 4, 2007, except that—

''(i) the regulation adopted by the California Energy Commission with an effective date of January 1, 2008, shall only be effective until the effective date of the Federal standard for the applicable lamp category under subparagraphs (A), (B), and (C) of section 325(i)(1);

''(ii) the States of California and Nevada may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards with effective dates no earlier than 12 months prior to the Federal effective dates prescribed under subparagraphs (A), (B), and (C) of section 325(i)(1), at which time any prior regulations adopted by the States of California or Nevada shall no longer be effective; and

''(iii) all other States may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards and effective dates.''.

(e) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

''(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

''(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.''.

(f) ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended by inserting after the second sentence the following: ''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) or an adapter prohibited under section 332(a)(6) may also be brought by the attorney general of a State in the name of the State.''.

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a lighting technology research and development program—

(A) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(B) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the wattage requirements imposed as a result of the amendments made by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2013.

(3) TERMINATION OF AUTHORITY.—The program under this subsection shall terminate on September 30, 2015.

(h) REPORTS TO CONGRESS.—

(1) REPORT ON MERCURY USE AND RELEASE.—Not later than 1 year after the date of enactment of this Act, the Secretary , 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 light bulbs.

(2) REPORT ON RULEMAKING SCHEDULE.—Beginning on July 1, 2013 and semiannually through July 1, 2016, the Secretary shall 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 report on—

(A) whether the Secretary will meet the deadlines for the rulemakings required under this section;

(B) a description of any impediments to meeting the deadlines; and

(C) a specific plan to remedy any failures, including recommendations for additional legislation or resources.

(3) NATIONAL ACADEMY REVIEW.—

(A) IN GENERAL.—Not later than December 31, 2009, the Secretary shall enter into an arrangement with the National Academy of Sciences to provide a report by December 31, 2013, and an updated report by July 31, 2015. The report should include—

(i) the status of advanced solid state lighting research, development, demonstration and commercialization;

(ii) the impact on the types of lighting available to consumers of an energy conservation standard requiring a minimum of 45 lumens per watt for general service lighting effective in 2020; and

(iii) the time frame for the commercialization of lighting that could replace current incandescent and halogen incandescent lamp

technology and any other new technologies developed to meet the minimum standards required under subsection (a) (3) of this section.

(B) REPORTS.—The reports shall be transmitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 322. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 316(c)(1)(D)) 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 40 watts or higher''; and

(2) by adding at the end the following:

''(54) BPAR INCANDESCENT REFLECTOR LAMP.—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.

''(55) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—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 C78.21–1989, 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) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(56) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—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) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(57) R20 INCANDESCENT REFLECTOR LAMP.—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. 6995(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (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 October 24, 1992.

''(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 that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—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 the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.''.

SEC. 323. 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 3314, 3315, and 3316, 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);

''(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

''(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

''(e) ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

''(f) GUIDELINES.—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

''(g) 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.).

''(h) 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. Delegation.
''3315. Report to Congress.
''3316. Certain authority not affected.''.

(d) 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. 324. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 322(a)(2)) is amended by adding at the end the following:

''(58) BALLAST.—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.

''(59) BALLAST EFFICIENCY.—

''(A) IN GENERAL.—The term 'ballast efficiency' means, in the case of a high intensity discharge fixture, the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated in accordance with the following formula: Efficiency = P_{out}/P_{in}.

''(B) EFFICIENCY FORMULA.—For the purpose of subparagraph (A)—

''(i) P_{out} shall equal the measured operating lamp wattage;

''(ii) P_{in} shall equal the measured operating input wattage;

''(iii) the lamp, and the capacitor when the capacitor is provided, shall constitute a nominal system in accordance with the ANSI Standard C78.43-2004;

''(iv) for ballasts with a frequency of 60 Hz, P_{in} and P_{out} shall 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; and

''(v) for ballasts with a frequency greater than 60 Hz, P_{in} and P_{out} shall have a basic accuracy of ± 0.5 percent at the higher of—

''(I) 3 times the output operating frequency of the ballast; or

''(II) 2 kHz for ballast with a frequency greater than 60 Hz.

''(C) MODIFICATION.—The Secretary may, by rule, modify the definition of 'ballast efficiency' if the Secretary determines that the modification is necessary or appropriate to carry out the purposes of this Act.

''(60) ELECTRONIC BALLAST.—The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

''(61) GENERAL LIGHTING APPLICATION.—The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

''(62) METAL HALIDE BALLAST.—The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

''(63) METAL HALIDE LAMP.—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.

''(64) METAL HALIDE LAMP FIXTURE.—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.

''(65) PROBE-START METAL HALIDE BALLAST.—The term 'probe-start metal halide ballast' means a ballast that—

''(A) starts a probe-start metal halide lamp that contains a third starting electrode (probe) in the arc tube; and

''(B) does not generally contain an igniter but instead starts lamps with high ballast open circuit voltage.

''(66) PULSE-START METAL HALIDE BALLAST.—

''(A) IN GENERAL.—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.

''(B) STARTING PROCESS.—For the purpose of subparagraph (A)—

''(i) lamps shall be started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge; and

''(ii) to complete the starting process, power shall be provided by the ballast to sustain the discharge through the glow-to-arc transition.''.

(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(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 301(b)) is amended by adding at the end the following:

''(18) METAL HALIDE LAMP BALLASTS.—Test procedures for metal halide lamp ballasts shall be based on ANSI 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) METAL HALIDE LAMP FIXTURES.—

''(i) IN GENERAL.—The Commission shall issue labeling rules under this section applicable to the covered product specified in section 322(a)(19) and to which standards are applicable under section 325.

''(ii) LABELING.—The rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or the date that is 270 days after the date of enactment of this subparagraph, shall 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 the fixture.''.

(e) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 310) is amended—

(1) by redesignating subsection (hh) as subsection (ii);

(2) by inserting after subsection (gg) the following:

''(hh) METAL HALIDE LAMP FIXTURES.—

''(1) STANDARDS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), 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 nonpulse-start electronic ballast with—

''(I) a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; and

''(II) a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

''(B) EXCLUSIONS.—The standards established under subparagraph (A) shall not apply to—

''(i) fixtures with regulated lag ballasts;

''(ii) fixtures that use electronic ballasts that operate at 480 volts; or

''(iii) fixtures that—

''(I) are rated only for 150 watt lamps;

''(II) are rated for use in wet locations, as specified by the National Electrical Code 2002, section 410.4(A); and

''(III) contain a ballast that is rated to operate at ambient air temperatures above 50°C, as specified by UL 1029–2001.

''(C) APPLICATION.—The standards established under subparagraph (A) shall apply to

metal halide lamp fixtures manufactured on or after the later of—

''(i) January 1, 2009; or

''(ii) the date that is 270 days after the date of enactment of this subsection.

''(2) FINAL RULE BY JANUARY 1, 2012.—

''(A) IN GENERAL.—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.

''(B) ADMINISTRATION.—The final rule shall—

''(i) contain any amended standard; and

''(ii) apply to products manufactured on or after January 1, 2015.

''(3) FINAL RULE BY JANUARY 1, 2019.—

''(A) IN GENERAL.—Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

''(B) ADMINISTRATION.—The final rule shall—

''(i) contain any amended standards; and

''(ii) apply to products manufactured after January 1, 2022.

''(4) DESIGN AND PERFORMANCE REQUIREMENTS.—Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements.''; and

(3) in paragraph (2) of subsection (ii) (as redesignated by paragraph (2)), by striking ''(gg)'' each place it appears and inserting ''(hh)''.

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) in paragraph (8)(B), by striking the period at the end 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, except that—

''(A) if the Secretary fails to issue a final rule within 180 days after the deadlines for rulemakings in section 325(hh), notwithstanding any other provision of this section, preemption shall not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission—

''(i) on or before July 1, 2015, if the Secretary fails to meet the deadline specified in section 325(hh)(2); or

''(ii) on or before July 1, 2022, if the Secretary fails to meet the deadline specified in section 325(hh)(3).''.

SEC. 325. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) (as amended by section 324(d)) is amended—

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

''(I) LABELING REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, prescribe labeling or other disclosure requirements for the energy use of—

''(I) televisions;

''(II) personal computers;

''(III) cable or satellite set-top boxes;

''(IV) stand-alone digital video recorder boxes; and

''(V) personal computer monitors.

''(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may, by regulation, prescribe labeling or other disclosure requirements for a consumer product category described in clause (i) if the Commission—

''(I) identifies adequate non-Department of Energy testing procedures for those products; and

''(II) determines that labeling of, or other disclosures relating to, those products is likely to assist consumers in making purchasing decisions.

''(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

''(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of, or other disclosure requirements for, electronic products described in clause (i).

''(II) REQUIREMENTS.—The requirements prescribed under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

''(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

''(I) is not technologically or economically feasible; or

''(II) is not likely to assist consumers in making purchasing decisions.''; and

(2) by adding at the end the following:

''(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may, by regulation, require labeling or other disclosures in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.''.

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

''(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(I) or (6) of subsection (a).''.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

SEC. 401. DEFINITIONS.

In this title:

(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 484.

(3) COMMERCIAL DIRECTOR.—The term ''Commercial Director'' means the individual appointed to the position established under section 421.

(4) CONSORTIUM.—The term ''Consortium'' means the High-Performance Green Building Partnership Consortium created in response to section 436(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) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b);

(II) Federal acquisition regulation 23–203; and

(III) is at least as energy-conserving as required by other provisions of this Act, including the requirements of this title and title III which shall be applicable to the extent that they would achieve greater energy savings than provided under clause (i) or this clause.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(6) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing electricity or fossil fuel consumption, water, or other utility costs, including use of geothermal heat pumps;

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203; and

(C) is at least as energy and water conserving as required under this title, including sections 431 through 435, and title V, including section 511 through 525, which shall be applicable to the extent that they are more stringent or require greater energy or water savings than required by this section.

(7) FEDERAL DIRECTOR.—The term ''Federal Director'' means the individual appointed to the position established under section 436(a).

(8) 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.

(9) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 329(b) of the Clean Air Act, that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices including geothermal heat pumps by not later than the later of the date established under sections 431 through 434, or—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(10) GEOTHERMAL HEAT PUMP.—The term ''geothermal heat pump'' means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(11) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA 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 ''GSA 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 ''GSA 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)).

(12) HIGH-PERFORMANCE BUILDING.—The term ''high performance building'' means a building that integrates and optimizes on a life cycle basis all major high performance attributes, including energy conservation, environment, safety, security, durability, accessibility, cost-benefit, productivity, sustainability, functionality, and operational considerations.

(13) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a high-performance 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.

(14) 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.

(15) 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.

(16) 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.

(17) OFFICE OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term ''Office of Commercial High-Performance Green Buildings'' means the Office of Commercial High-Performance Green Buildings established under section 421(a).

(18) OFFICE OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term ''Office of Federal High-Performance Green Buildings'' means the Office of Federal High-Performance Green Buildings established under section 436(a).

(19) 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.

(20) 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.

Subtitle A—Residential Building Efficiency

SEC. 411. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking '' appropriated $500,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, and $700,000,000 for fiscal year 2008'' and inserting ''appropriated—

''(1) $750,000,000 for fiscal year 2008;

''(2) $900,000,000 for fiscal year 2009;

''(3) $1,050,000,000 for fiscal year 2010;

''(4) $1,200,000,000 for fiscal year 2011; and

''(5) $1,400,000,000 for fiscal year 2012.''.

(b) SUSTAINABLE ENERGY RESOURCES FOR CONSUMERS GRANTS.—

(1) IN GENERAL.—The Secretary 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 covered by the program (as of the date of enactment of this Act), if the State weatherization grantee certifies that the applicant has the capacity to carry out the proposed activities and that the grantee will include the project in the financial oversight of the grantee of the weatherization assistance program.

(2) PRIORITY.—In selecting grant recipients under this subsection, the Secretary 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 consumers 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.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amount of funds used for projects described in paragraph (1) may equal up to 2 percent of the amount of funds made available for any fiscal year under section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872).

(B) EXCEPTION.—No funds may be used for sustainable energy resources for consumers grants for a fiscal year under this subsection if the amount of funds made available for the fiscal year to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) is less than $275,000,000.

(c) DEFINITION OF STATE.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.''.

SEC. 412. STUDY OF RENEWABLE ENERGY REBATE PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report on, a study regarding the rebate programs established under sections 124 and 206(c) of the Energy Policy Act of 2005 (42 U.S.C. 15821, 15853).

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) develop a plan for how the rebate programs would be carried out if the programs were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goals of the programs.

SEC. 413. ENERGY CODE IMPROVEMENTS APPLICABLE TO MANUFACTURED HOUSING.

(a) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall by regulation establish standards for energy efficiency in manufactured housing.

(2) NOTICE, COMMENT, AND CONSULTATION.—Standards described in paragraph (1) shall be established after—

(A) notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties; and

(B) consultation with the Secretary of Housing and Urban Development, who may

seek further counsel from the Manufactured Housing Consensus Committee.

(b) REQUIREMENTS.—

(1) INTERNATIONAL ENERGY CONSERVATION CODE.—The energy conservation standards established under this section shall be based on the most recent version of the International Energy Conservation Code (including supplements), except in cases in which the Secretary finds that the code is not cost-effective, or a more stringent standard would be more cost-effective, based on the impact of the code on the purchase price of manufactured housing and on total life-cycle construction and operating costs.

(2) CONSIDERATIONS.—The energy conservation standards established under this section 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 the climate zones 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) UPDATING.—The energy conservation standards established under this section shall be updated not later than—

(A) 1 year after the date of enactment of this Act; and

(B) 1 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.

Subtitle B—High-Performance Commercial Buildings

SEC. 421. COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.

(a) DIRECTOR OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—Notwithstanding any other provision of law, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall appoint a Director of Commercial High-Performance Green Buildings to a position in the career-reserved Senior Executive service, with the principal responsibility to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) QUALIFICATIONS.—The Commercial Director shall be an individual, who by reason of professional background and experience, is specifically qualified to carry out the duties required under this subtitle.

(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 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;

(5) promote research and development of high performance green buildings, consistent with section 423; and

(6) jointly establish with the Federal Director a national high-performance green building clearinghouse in accordance with section 423(1), which shall provide high-performance green building information and disseminate research results 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 subtitle 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 subtitle, 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;

(8) the National Institute of Standards and Technology;

(9) the Department of Transportation;

(10) the Office of Science Technology and Policy; and

(11) 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;

(J) manufacturers and providers of equipment and techniques used in high performance green buildings;

(K) public transportation industry experts; and

(L) 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 subtitle 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 subtitle 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 subtitle; 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. 422. ZERO NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means a High-Performance Green Building Consortium selected by the Commercial Director.

(2) INITIATIVE.—The term ''initiative'' means the Zero-Net-Energy Commercial Buildings Initiative established under subsection (b)(1).

(3) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term ''zero-net-energy commercial building'' means a high-performance commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy to operate;

(B) to meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) in a manner that will result in no net emissions of greenhouse gases; and

(D) to be economically viable.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Commercial Director shall establish an initiative, to be known as the ''Zero-Net-Energy Commercial Buildings Initiative''—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of zero net energy commercial buildings in the United States.

(2) CONSORTIUM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commercial Director shall competitively select, and enter into an agreement with, a consortium to develop and carry out the initiative.

(B) AGREEMENTS.—In entering into an agreement with a consortium under subparagraph (A), the Commercial Director shall use the authority described in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), to the maximum extent practicable.

(c) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop and disseminate technologies, practices, and policies for the development and establishment of zero net energy commercial buildings for—

(1) any commercial building newly constructed in the United States by 2030;

(2) 50 percent of the commercial building stock of the United States by 2040; and

(3) all commercial buildings in the United States by 2050.

(d) COMPONENTS.—In carrying out the initiative, the Commercial Director, in consultation with the consortium, may—

(1) conduct research and development on building science, design, materials, components, equipment and controls, operation and other practices, integration, energy use measurement, and benchmarking;

(2) conduct pilot programs and demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(3) conduct deployment, dissemination, and technical assistance activities to encourage widespread adoption of technologies, practices, and policies to achieve energy efficient commercial buildings;

(4) conduct other research, development, demonstration, and deployment activities necessary to achieve each goal of the initiative, as determined by the Commercial Director, in consultation with the consortium;

(5) develop training materials and courses for building professionals and trades on achieving cost-effective high-performance energy efficient buildings;

(6) develop and disseminate public education materials to share information on the benefits and cost-effectiveness of high-performance energy efficient buildings;

(7) support code-setting organizations and State and local governments in developing minimum performance standards in building codes that recognize the ready availability of many technologies utilized in high-performance energy efficient buildings;

(8) develop strategies for overcoming the split incentives between builders and purchasers, and landlords and tenants, to ensure that energy efficiency and high-performance investments are made that are cost-effective on a lifecycle basis; and

(9) develop improved means of measurement and verification of energy savings and performance for public dissemination.

(e) COST SHARING.—In carrying out this section, the Commercial Director shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(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; and

(4) $200,000,000 for each of fiscal years 2013 through 2018.

SEC. 423. PUBLIC OUTREACH.

The Commercial Director and Federal 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, tools, and resources for constructing high-performance green buildings, particularly tools 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 to the public, through the Commercial Director, technical and research information or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;

(6) using such additional methods as are determined by the Commercial Director to be appropriate to conduct public outreach;

(7) surveying existing research and studies relating to high-performance green buildings; and

(8) coordinating activities of common interest.

Subtitle C—High-Performance Federal Buildings

SEC. 431. ENERGY REDUCTION GOALS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

''Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.''

SEC. 432. 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) DEFINITIONS.—In this subsection:

''(A) COMMISSIONING.—The term 'commissioning', with respect to a facility, means a systematic process—

''(i) of ensuring, using appropriate verification and documentation, during the period beginning on the initial day of the design phase of the facility and ending not earlier than 1 year after the date of completion of construction of the facility, that all facility systems perform interactively in accordance with—

''(I) the design documentation and intent of the facility; and

''(II) the operational needs of the owner of the facility, including preparation of operation personnel; and

''(ii) the primary goal of which is to ensure fully functional systems that can be properly operated and maintained during the useful life of the facility.

''(B) ENERGY MANAGER.—

''(i) IN GENERAL.—The term 'energy manager', with respect to a facility, means the individual who is responsible for—

''(I) ensuring compliance with this subsection by the facility; and

''(II) reducing energy use at the facility.

''(ii) INCLUSIONS.—The term 'energy manager' may include—

''(I) a contractor of a facility;

''(II) a part-time employee of a facility; and

''(III) an individual who is responsible for multiple facilities.

''(C) FACILITY.—

''(i) IN GENERAL.—The term 'facility' means any building, installation, structure, or other property (including any applicable fixtures) owned or operated by, or constructed or manufactured and leased to, the Federal Government.

''(ii) INCLUSIONS.—The term 'facility' includes—

''(I) a group of facilities at a single location or multiple locations managed as an integrated operation; and

''(II) contractor-operated facilities owned by the Federal Government.

''(iii) EXCLUSIONS.—The term 'facility' does not include any land or site for which the cost of utilities is not paid by the Federal Government.

''(D) LIFE CYCLE COST-EFFECTIVE.—The term 'life cycle cost-effective', with respect to a measure, means a measure the estimated savings of which exceed the estimated costs over the lifespan of the measure, as determined in accordance with section 544.

''(E) PAYBACK PERIOD.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'payback period', with respect to a measure, means a value equal to the quotient obtained by dividing—

''(I) the estimated initial implementation cost of the measure (other than financing costs); by

''(II) the annual cost savings resulting from the measure, including—

''(aa) net savings in estimated energy and water costs; and

''(bb) operations, maintenance, repair, replacement, and other direct costs.

''(ii) MODIFICATIONS AND EXCEPTIONS.—The Secretary, in guidelines issued pursuant to paragraph (6), may make such modifications and provide such exceptions to the calculation of the payback period of a measure as the Secretary determines to be appropriate to achieve the purposes of this Act.

''(F) RECOMMISSIONING.—The term 'recommissioning' means a process—

''(i) of commissioning a facility or system beyond the project development and warranty phases of the facility or system; and

''(ii) the primary goal of which is to ensure optimum performance of a facility, in accordance with design or current operating needs, over the useful life of the facility, while meeting building occupancy requirements.

''(G) RETROCOMMISSIONING.—The term 'retrocommissioning' means a process of commissioning a facility or system that was not commissioned at time of construction of the facility or system.

''(2) FACILITY ENERGY MANAGERS.—

''(A) IN GENERAL.—Each Federal agency shall designate an energy manager responsible for implementing this subsection and reducing energy use at each 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, Federal facilities, including central utility plants and distribution systems and other energy intensive operations, that constitute at least 75 percent of facility energy use at each agency.

''(3) ENERGY AND WATER EVALUATIONS.—

''(A) EVALUATIONS.—Effective beginning on the date that is 180 days after the date of enactment of this subsection and annually thereafter, energy managers shall complete, for each calendar year, a comprehensive energy and water evaluation for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B)

in a manner that ensures that an evaluation of each such facility is completed at least once every 4 years.

''(B) RECOMMISSIONING AND RETROCOMMISSIONING.—As part of the evaluation under subparagraph (A), the energy manager shall identify and assess recommissioning measures (or, if the facility has never been commissioned, retrocommissioning measures) for each such facility.

''(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—Not later than 2 years after the completion of each evaluation under paragraph (3), each energy manager may—

''(A) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life cycle cost-effective; and

''(B) bundle individual measures of varying paybacks together into combined projects.

''(5) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (4), 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.

''(6) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection; and

''(ii) paragraphs (4) and (5) 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 (10), but may distinguish between different types of measures project size, and other criteria the Secretary determines are relevant.

''(7) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), 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 under paragraph (3);

''(ii) implementation of identified energy and water measures under paragraph (4); and

''(iii) follow-up on implemented measures under paragraph (5).

''(B) DEPLOYMENT.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and deploy a web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(I) the covered 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 facility;

''(IV) the measured savings and persistence of savings for implemented measures; and

''(V) the benchmarking information disclosed under paragraph (8)(C).

''(ii) EASE OF COMPLIANCE.—The Secretary shall ensure that energy manager compliance with the requirements in this paragraph, to the maximum extent practicable—

''(I) can be accomplished with the use of streamlined procedures and templates that minimize the time demands on Federal employees; and

''(II) is coordinated with other applicable energy reporting requirements.

''(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 facilities from disclosure under clause (i) for national security purposes.

''(8) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—The energy manager shall enter energy use data for each metered building that is (or is a part of) a facility that meets the criteria established by the Secretary under paragraph (2)(B) 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 energy manager shall post the information entered into, or generated by, a benchmarking system under this subsections, on the web-based tracking system under paragraph (7)(B). The energy manager 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.

''(9) 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.

''(10) 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 otherwise authorized under Federal law, 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.

''(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.

''(11) RULE OF CONSTRUCTION.—This subsection shall not be construed to require or to obviate any contractor savings guarantees.''.

SEC. 433. 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 Energy Independence and Security 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 Administrator 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) Upon petition by an agency subject to this subparagraph, the Secretary may adjust the applicable numeric requirement under subclause (I) downward with respect to a specific building, if the head of the agency designing the building certifies in writing that meeting such requirement would be technically impracticable in light of the agency's specified functional needs for that building and the Secretary concurs with the agency's conclusion. This subclause shall not apply to the General Services Administration.

''(III) Sustainable design principles shall be applied to the siting, design, and construction of such buildings. Not later than 90 days after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary, after reviewing the findings of the Federal Director under section 436(h) of that Act, 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 a review of the Federal Director's findings under section 436(h) of the Energy Independence and Security Act of 2007 and the criteria specified in clause (iii), shall identify the highest level the Secretary determines is appropriate above the minimum level required for certification under the system selected, and shall achieve results at least comparable to the system used by and highest level referenced by the General Services

Administration as of the date of enactment of the Energy Independence and Security Act of 2007. Within 90 days of the completion of each study required by clause (iv), 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 establishing criteria for identifying major renovations that are subject to the requirements of this subparagraph, the Secretary shall take into account the scope, degree, and types of renovations that are likely to provide significant opportunities for substantial improvements in energy efficiency.

''(iii) 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.

''(iv) At least once every five years, and in accordance with section 436 of the Energy Independence and Security Act of 2007, 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 (iii).

''(v) 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)(III). 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)(III). An agency employing an internal certification process must continue to obtain external certification by the certification entity identified under clause (i)(III) for at least 5 percent of the total number of buildings certified annually by the agency.

''(vi) 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 (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

''(vii) 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.''.

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 2 years after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require Federal officers and employees to comply with this section and the amendments made by this section in the acquisition, construction, or major renovation of any facility. The members of the Federal Acquisition Regulatory Council (established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

(d) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (c), the Administrator for Federal Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities and major renovations for existing facilities to incorporate improvements that are consistent with this section.

SEC. 434. 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:

''(f) LARGE CAPITAL ENERGY INVESTMENTS.—

''(1) IN GENERAL.—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.

''(2) PROCESS FOR REVIEW OF INVESTMENT DECISIONS.—Not later than 180 days after the date of enactment of this subsection, each Federal agency shall—

''(A) develop a process for reviewing each decision made on a large capital energy investment described in paragraph (1) to ensure that the requirements of this subsection are met; and

''(B) report to the Director of the Office of Management and Budget on the process established.

''(3) COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget shall evaluate and report to Congress on the compliance of each agency 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 after the second sentence the following: ''Not later than October 1, 2016, each agency shall provide for equivalent metering of natural gas and steam, in accordance with guidelines established by the Secretary under paragraph (2).''.

SEC. 435. LEASING.

(a) IN GENERAL.—Except as provided in subsection (b), effective beginning on the date that is 3 years after the date of enactment of this Act, no Federal agency shall enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year.

(b) EXCEPTION.—

(1) APPLICATION.—This subsection applies if—

(A) no space is available in a building described in subsection (a) that meets the functional requirements of an agency, including locational needs;

(B) the agency proposes to remain in a building that the agency has occupied previously;

(C) the agency proposes 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

(D) the lease is for not more than 10,000 gross square feet of space.

(2) BUILDINGS WITHOUT ENERGY STAR LABEL.—If 1 of the conditions described in paragraph (2) is met, 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 (1)(B), not later than 1 year after signing the contract, the space will be renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) shall be revised to require Federal officers and employees to comply with this section in leasing buildings.

(2) CONSULTATION.—The members of the Federal Acquisition Regulatory Council established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

SEC. 436. 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 Federal High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(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, and the Secretary, in accordance with section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(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;

(F) the Department of Defense;

(G) the Department of Transportation;

(H) the National Institute of Standards and Technology; and

(I) the Office of Science and Technology Policy;

(3) establish a senior-level Federal Green Building Advisory Committee under section 474, which shall provide advice and recommendations in accordance with that section and subsection (d);

(4) identify and every 5 years reassess improved or higher rating standards recommended by the Advisory Committee;

(5) ensure full coordination, dissemination of information regarding, and promotion of the results of research and development information relating to Federal high-performance green building initiatives;

(6) identify and develop Federal high-performance green building standards for all types of Federal facilities, consistent with the requirements of this subtitle and section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with subsection (d); and

(9) identify opportunities to demonstrate innovative and emerging green building technologies and concepts.

(d) ADDITIONAL DUTIES.—The Federal Director, in consultation with the Commercial Director and the Advisory Committee, and consistent with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)) 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.—Within 90 days after the date of enactment of this Act, the Federal Director shall identify incentives to encourage the expedited use of high-performance green buildings and related technology in the operations of the Federal Government, in accordance with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), 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, in consultation with the Secretary, shall submit to Congress a report that—

(1) describes the status of compliance with this subtitle, the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and other 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 subtitle and the requirements of section 305(a)(3)(D) of that Act; 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 may affect the certification of new and existing Federal facilities as high-performance green buildings under the provisions of section 305(a)(3)(D) of that Act and the criteria established in subsection (h);

(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) streamlining measures for 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).

(h) IDENTIFICATION OF CERTIFICATION SYSTEM.—

(1) IN GENERAL.—For the purpose of this section, not later than 60 days after the date of enactment of this Act, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a certification system that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

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

(A) a study completed every 5 years and provided to the Secretary pursuant to section 305(a)(3)(D) of that Act, which shall be carried out by the Federal Director to compare and evaluate standards;

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

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

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the robustness of the criteria for a high performance green building, which shall give credit for promoting—

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

(ii) use of renewable energy sources;

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

(iv) reduced impacts from transportation through building location and site design that promote access by public transportation; and

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

(F) national recognition within the building industry.

SEC. 437. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle, section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and section 435; and

(2) submit to the Federal Director, the Advisory Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436(d);

(2) the level of coordination among the Federal Director, the Office of Management and Budget, the Department of Energy, and relevant agencies;

(3) the performance of the Federal Director and other agencies in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Federal Director shall consult with the Advisory Committee to enhance, and assist in the implementation of, the Office of Management and Budget government efficiency reports and scorecards under section 528 and the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in

January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 438. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

SEC. 439. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related 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);

(C) establish methods to track the success of Federal departments and agencies with respect to that goal; and

(D) be fully coordinated with and no less stringent nor less energy-conserving or water-conserving than required by other provisions of this Act and other applicable law, including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections.

(c) ACCELERATED USE OF 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 cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA 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 and programs implementing sections 432 and 525 (and amendments made by those sections), a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility. Such program shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and any other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy savings than required by this section.

(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 of actions to comply with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations and programs implementing sections 431 through 435 (and amendments made by those sections), maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies consistent with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously. Notwithstanding any provision of this section, such program shall fully comply with the requirements of the Act including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(A) ensure that a manager responsible for implementing section 432 and for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(B) submit to Congress a plan to comply with section 432, this section, and other applicable provisions of this Act and applicable law with respect to energy and water conservation at GSA facilities.

(2) MEASURES.—The plan shall implement measures required by such other provisions of law in accordance with those provisions, and shall implement the measures required by this section to the maximum extent feasible (including at the maximum rate feasible) using available appropriations and programs implementing sections 431 through 435 and 525 (and amendments made by those sections), by not later than the date that is 5 years after the date of enactment of this Act.

(3) CONTENTS OF PLAN.—The plan shall—

(A) with respect to cost-effective technologies and practices—

(i) identify the specific activities needed to comply with sections 431 through 435;

(ii) identify the specific activities needed to achieve at least a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(iii) describe activities required and carried out to estimate the funds necessary to achieve the reduction described in clauses (i) and (ii);

(B) include an estimate of the funds necessary to carry out this section;

(C) describe the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identify within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies;

(E) recommend language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, review the budget process for capital programs with respect to alternatives for—

(i) implementing measures that will assure that Federal agencies retain all identified savings accrued as a result of the use of cost-effective technologies, consistent with section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1), and other applicable law; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices;

(G) with respect to cost-effective technologies and practices, achieve substantial operational cost savings through the application of the technologies; and

(H) include recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(4) ADMINISTRATION.—Notwithstanding any provision of this section, the program required under this section shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(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.

SEC. 440. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 434 through 439 and 482 $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 441. 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''.

Subtitle D—Industrial Energy Efficiency

SEC. 451. INDUSTRIAL ENERGY EFFICIENCY.

(a) IN GENERAL.—Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by inserting after part D the following:

''PART E—INDUSTRIAL ENERGY EFFICIENCY

''SEC. 371. DEFINITIONS.

''In this part:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) COMBINED HEAT AND POWER.—The term 'combined heat and power system' means a facility that—

''(A) simultaneously and efficiently produces useful thermal energy and electricity; and

''(B) recovers not less than 60 percent of the energy value in the fuel (on a higher-heating-value basis) in the form of useful thermal energy and electricity.

''(3) NET EXCESS POWER.—The term 'net excess power' means, for any facility, recoverable waste energy recovered in the form of electricity in quantities exceeding the total consumption of electricity at the specific time of generation on the site at which the facility is located.

''(4) PROJECT.—The term 'project' means a recoverable waste energy project or a combined heat and power system project.

''(5) RECOVERABLE WASTE ENERGY.—The term 'recoverable waste energy' means waste energy from which electricity or useful thermal energy may be recovered through modification of an existing facility or addition of a new facility.

''(6) REGISTRY.—The term 'Registry' means the Registry of Recoverable Waste Energy Sources established under section 372(d).

''(7) USEFUL THERMAL ENERGY.—The term 'useful thermal energy' means energy—

''(A) in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements; and

''(B) for which fuel or electricity would otherwise be consumed.

''(8) WASTE ENERGY.—The term 'waste energy' means—

''(A) exhaust heat or flared gas 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 determine.

''(9) OTHER TERMS.—The terms 'electric utility', 'nonregulated electric utility', 'State regulated electric utility', and other terms have the meanings given those terms in title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611 et seq.).

''SEC. 372. SURVEY AND REGISTRY.

''(a) RECOVERABLE WASTE ENERGY INVENTORY PROGRAM.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Secretary and State energy offices, shall establish a recoverable waste energy inventory program.

''(2) SURVEY.—The program shall include—

''(A) an ongoing survey of all major industrial and large commercial combustion sources in the United States (as defined by the Administrator) and the sites at which the sources are located; and

''(B) a review of each source for the quantity and quality of waste energy produced at the source.

''(b) CRITERIA.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall publish a rule for establishing criteria for including sites in the Registry.

''(2) INCLUSIONS.—The criteria shall include—

''(A) a requirement that, to be included in the Registry, a project at the site shall be determined to be economically feasible by virtue of offering a payback of invested costs not later than 5 years after the date of first full project operation (including incentives offered under this part);

''(B) standards to ensure that projects proposed for inclusion in the Registry are not developed or used for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; and

''(C) procedures for contesting the listing of any source or site on the Registry by any State, utility, or other interested person.

''(c) TECHNICAL SUPPORT.—On the request of the owner or operator of a source or site included in the Registry, the Secretary shall—

''(1) provide to owners or operators of combustion sources technical support; and

''(2) offer partial funding (in an amount equal to not more than ½ of total costs) for feasibility studies to confirm whether or not investment in recovery of waste energy or combined heat and power at a source would offer a payback period of 5 years or less.

''(d) REGISTRY.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall establish a Registry of Recoverable Waste Energy Sources, and sites on which the sources are located, that meet the criteria established under subsection (b).

''(B) UPDATES; AVAILABILITY.—The Administrator shall—

''(i) update the Registry on a regular basis; and

''(ii) make the Registry available to the public on the website of the Environmental Protection Agency.

''(C) CONTESTING LISTING.—Any State, electric utility, or other interested person may contest the listing of any source or site by submitting a petition to the Administrator.

''(2) CONTENTS.—

''(A) IN GENERAL.—The Administrator shall register and include on the Registry all sites meeting the criteria established under subsection (b).

''(B) QUANTITY OF RECOVERABLE WASTE ENERGY.—The Administrator shall—

''(i) calculate the total quantities of potentially recoverable waste energy from sources at the sites, nationally and by State; and

''(ii) make public—

''(I) the total quantities described in clause (i); and

''(II) information on the criteria pollutant and greenhouse gas emissions savings that might be achieved with recovery of the waste energy from all sources and sites listed on the Registry.

''(3) AVAILABILITY OF INFORMATION.—

''(A) IN GENERAL.—The Administrator shall notify owners or operators of recoverable waste energy sources and sites listed on the Registry prior to publishing the listing.

''(B) DETAILED QUANTITATIVE INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the owner or operator of a source at a site may elect to have detailed quantitative information concerning the site not made public by notifying the Administrator of the election.

''(ii) LIMITED AVAILABILITY.—The information shall be made available to—

''(I) the applicable State energy office; and

''(II) any utility requested to support recovery of waste energy from the source pursuant to the incentives provided under section 374.

''(iii) STATE TOTALS.—Information concerning the site shall be included in the total quantity of recoverable waste energy for a State unless there are fewer than 3 sites in the State.

''(4) REMOVAL OF PROJECTS FROM REGISTRY.—

''(A) IN GENERAL.—Subject to subparagraph (B), as a project achieves successful recovery of waste energy, the Administrator shall—

''(i) remove the related sites or sources from the Registry; and

''(ii) designate the removed projects as eligible for incentives under section 374.

''(B) LIMITATION.—No project shall be removed from the Registry without the consent of the owner or operator of the project if—

''(i) the owner or operator has submitted a petition under section 374; and

''(ii) the petition has not been acted on or denied.

''(5) INELIGIBILITY OF CERTAIN SOURCES.—The Administrator shall not list any source constructed after the date of the enactment of the Energy Independence and Security Act of 2007 on the Registry if the Administrator determines that the source—

''(A) was developed for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; or

''(B) does not capture at least 60 percent of the total energy value of the fuels used (on a higher-heating-value basis) in the form of useful thermal energy, electricity, mechanical energy, chemical output, or any combination thereof.

''(e) SELF-CERTIFICATION.—

''(1) IN GENERAL.—Subject to any procedures that are established by the Administrator, an owner, operator, or third-party developer of a recoverable waste energy project that qualifies under standards established by the Administrator may self-certify the sites or sources of the owner, operator, or developer to the Administrator for inclusion in the Registry.

''(2) REVIEW AND APPROVAL.—To prevent a fraudulent listing, a site or source shall be included on the Registry only if the Administrator reviews and approves the self-certification.

''(f) NEW FACILITIES.—As a new energy-consuming industrial facility is developed after the date of enactment of the Energy Independence and Security Act of 2007, to the extent the facility may constitute a site with recoverable waste energy that may qualify for inclusion on the Registry, the Administrator may elect to include the facility on the Registry, at the request of the owner, operator, or developer of the facility, on a conditional basis with the site to be removed from the Registry if the development ceases or the site 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 for 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 report of a State under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) shall include the results of the survey for the State under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to—

''(1) the Administrator to create and maintain the Registry and services authorized by this section, $1,000,000 for each of fiscal years 2008 through 2012; and

''(2) the Secretary—

''(A) to assist site or source owners and operators in determining the feasibility of projects authorized by this section, $2,000,000 for each of fiscal years 2008 through 2012; and

''(B) to provide funding for State energy office functions under this section, $5,000,000.

''SEC. 373. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish in the Department of Energy a waste energy recovery incentive grant program to provide incentive grants to—

''(1) owners and operators of projects that successfully produce electricity or incremental useful thermal energy from waste energy recovery;

''(2) utilities purchasing or distributing the electricity; and

''(3) States that have achieved 80 percent or more of recoverable waste heat recovery opportunities.

''(b) GRANTS TO PROJECTS AND UTILITIES.—

''(1) IN GENERAL.—The Secretary shall make grants under this section—

''(A) to the owners or operators of waste energy recovery projects; and

''(B) in the case of excess power purchased or transmitted by a electric utility, to the utility.

''(2) PROOF.—Grants may only be made under this section on receipt of proof of waste energy recovery or excess electricity generation, or both, from the project in a form prescribed by the Secretary.

''(3) EXCESS ELECTRIC ENERGY.—

''(A) IN GENERAL.—In the case of waste energy recovery, a grant under this section shall be made at the rate of $10 per megawatt hour of documented electricity produced from recoverable 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 production, beginning on or after the date of enactment of the Energy Independence and Security Act of 2007.

''(B) UTILITIES.—If the project produces net excess power and an electric utility purchases or transmits the excess power, 50 percent of so much of the grant as is attributable to the net excess power shall be paid to the electric utility purchasing or transporting the net excess power.

''(4) 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, a grant 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 the excess thermal energy used for the different purpose.

''(c) GRANTS TO STATES.—In the case of any State that has achieved 80 percent or more of waste heat recovery opportunities identified by the Secretary under this part, the Administrator shall make a 1-time grant to the State in an amount of not more than $1,000 per megawatt of waste-heat capacity recovered (or a thermal equivalent) to support State-level programs to identify and achieve additional energy efficiency.

''(d) ELIGIBILITY.—The Secretary shall—

''(1) establish rules and guidelines to establish eligibility for grants under subsection (b);

''(2) publicize the availability of the grant program known to owners or operators of recoverable waste energy sources and sites listed on the Registry; and

''(3) award grants under the program 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) LIMITATION.—The Secretary shall not award grants to any person for a combined heat and power project or a waste heat recovery project that qualifies for specific Federal tax incentives for combined heat and power or for waste heat recovery.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

''(1) to make grants to projects and utilities under subsection (b)—

''(A) $100,000,000 for fiscal year 2008 and $200,000,000 for each of fiscal years 2009 through 2012; and

''(B) such additional amounts for fiscal year 2008 and each fiscal year thereafter as may be necessary for administration of the waste energy recovery incentive grant program; and

''(2) to make grants to States under subsection (b), $10,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

''SEC. 374. ADDITIONAL INCENTIVES FOR RECOVERY, USE, AND PREVENTION OF INDUSTRIAL WASTE ENERGY.

''(a) CONSIDERATION OF STANDARD.—

''(1) IN GENERAL.—Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which the authority has ratemaking 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—

''(A) provide public notice and conduct a hearing respecting the standard established by subsection (b); and

''(B) on the basis of the hearing, consider and make a determination whether or not it is appropriate to implement the standard to carry out the purposes of this part.

''(2) RELATIONSHIP TO STATE LAW.—For purposes of any determination under paragraph (1) and any review of the determination in any court, the purposes of this section supplement otherwise applicable State law.

''(3) NONADOPTION OF STANDARD.—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 standard described in paragraph (1), pursuant to 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 that generates net excess power shall be eligible to benefit from at least 1 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 3 separate locations on the system of the utility for direct sale by the owner or operator to third parties at those 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 the power to up to 3 purchasers within a 3-mile radius of the project, allowing the wires to use or cross public rights-of-way, without subjecting the project to regulation as a public utility, and according the wires the same treatment for safety, zoning, land use, and other legal privileges as apply or would apply to the wires of the utility, except that—

''(A) there shall be no grant of any power of eminent domain to take or cross private property for the wires; and

''(B) the wires shall be physically segregated and not interconnected with any portion of the system of the utility, except on the customer side of the revenue meter of the utility and in a manner that precludes any possible export of the electricity onto the utility system, or disruption of the system.

''(4) AGREED ON ALTERNATIVES.—The utility and the owner or operator of the project may reach agreement on any alternate arrangement and payments or rates associated with the arrangement that is mutually satisfactory and in accord with State law.

''(d) RATE CONDITIONS AND CRITERIA.—

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

''(A) PER UNIT DISTRIBUTION COSTS.—The term 'per unit distribution costs' means (in kilowatt hours) the quotient obtained by dividing—

''(i) the depreciated book-value distribution system costs of a utility; by

''(ii) the volume of utility electricity sales or transmission during the previous year at the distribution level.

''(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 equal to the product obtained by multiplying—

''(I) the State-approved percentage rate of return for the utility for distribution system assets; by

''(II) the per unit distribution costs; and

''(ii) in the case of a nonregulated utility, a per unit contribution to net revenues determined multiplying—

''(I) the percentage (but not less than 10 percent) obtained by dividing—

''(aa) the amount of any net revenue payment or contribution to the owners or subscribers of the nonregulated utility during the prior year; by

''(bb) the gross revenues of the utility during the prior year to obtain a percentage; by

''(II) 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 the retail rate of the utility.

''(2) OPTIONS.—The options described in paragraphs (1) and (2) in subsection (c) shall be offered under purchase and transport rate conditions that reflect the rate components defined under paragraph (1) as applicable under the circumstances described in paragraph (3).

''(3) APPLICABLE RATES.—

''(A) RATES APPLICABLE TO SALE OF NET EXCESS POWER.—

''(i) IN GENERAL.—Sales made by a project owner or operator of a facility 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 the facility minus per unit distribution costs, that applies to the type of utility purchasing the power.

''(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—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, 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.—

''(i) IN GENERAL.—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 that shall equal the per unit distribution costs and per unit distribution margin, that applies to the type of utility transporting the power.

''(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—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, the transport rate shall further be increased by per unit transmission costs.

''(iii) STATES WITH COMPETITIVE RETAIL MARKETS FOR ELECTRICITY.—In a State with a competitive retail market for electricity, the applicable transportation rate for similar transportation shall be applied in lieu of any rate calculated under this paragraph.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—Any rate established for sale or transportation under this section shall—

''(i) be modified over time with changes in the underlying costs or rates of the electric utility; and

''(ii) reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

''(B) LIMITATION.—No utility shall be required to purchase or transport a quantity 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) PUBLIC NOTICE AND HEARING.—

''(A) IN GENERAL.—The consideration referred to in subsection (a) shall be made after public notice and hearing.

''(B) ADMINISTRATION.—The determination referred to in subsection (a) shall be—

''(i) in writing;

''(ii) based on findings included in the determination and on the evidence presented at the hearing; and

''(iii) available to the public.

''(2) INTERVENTION BY ADMINISTRATOR.—The Administrator may intervene as a matter of right in a proceeding conducted under this section—

''(A) to calculate—

''(i) the energy and emissions likely to be saved by electing to adopt 1 or more of the options; and

''(ii) the costs and benefits to ratepayers and the utility; and

''(B) to advocate for the waste-energy recovery opportunity.

''(3) PROCEDURES.—

''(A) IN GENERAL.—Except as otherwise provided in paragraphs (1) and (2), the procedures for the consideration and determination referred to in subsection (a) shall be the procedures established by the State regulatory authority or the nonregulated electric utility.

''(B) MULTIPLE PROJECTS.—If there is more than 1 project seeking consideration simultaneously in connection with the same utility, the proceeding may encompass all such projects, if full attention is paid to individual circumstances and merits and an individual judgment is reached with respect to each project.

''(f) IMPLEMENTATION.—

''(1) IN GENERAL.—The State regulatory authority (with respect to each electric utility for which the authority 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) NONIMPLEMENTATION OF STANDARD.—

''(A) IN GENERAL.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, the authority or nonregulated electric utility shall state in writing the reasons for declining to implement the standard.

''(B) AVAILABILITY TO PUBLIC.—The statement of reasons shall be available to the public.

''(C) ANNUAL REPORT.—The Administrator shall include in an annual report submitted to Congress a description of the lost opportunities for waste-heat recovery from the project described in subparagraph (A), specifically identifying the utility and stating the quantity of lost energy and emissions savings calculated.

''(D) NEW PETITION.—If a State regulatory authority (with respect to each electric utility for which the authority 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 the project at any time after the date that is 2 years after the date on which the State regulatory authority or nonregulated utility declined to implement the standard.

''SEC. 375. CLEAN ENERGY APPLICATION CENTERS.

''(a) RENAMING.—

''(1) IN GENERAL.—The Combined Heat and Power Application Centers of the Department of Energy are redesignated as Clean Energy Application Centers.

''(2) REFERENCES.—Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center shall be treated as a reference to a Clean Energy Application Center.

''(b) RELOCATION.—

''(1) IN GENERAL.—In order to better coordinate efforts with the separate Industrial Assessment Centers and to ensure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy.

''(2) OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY.—The Office of Electricity Delivery and Energy Reliability shall—

''(A) continue to perform work on the role of technology described in paragraph (1) in support of the grid and the reliability and security of the technology; and

''(B) shall assist the Clean Energy Application Centers in the work of the Centers with regard to the grid and with electric utilities.

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants to universities, research centers, and other appropriate institutions to ensure 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 the Energy Independence and Security Act of 2007):

''(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 subsection, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

''(d) ACTIVITIES.—

''(1) IN GENERAL.—Each Clean Energy Application Center shall—

''(A) operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals; and other individuals and organizations with an interest in efficient energy use; and

''(B) provide project specific support to building and industrial professionals through assessments and advisory activities.

''(2) TYPES OF ACTIVITIES.—Funds made available under this section may be used—

''(A) to develop and distribute informational materials on clean energy technologies, including continuation of the 8 websites in existence on the date of enactment of the Energy Independence and Security Act of 2007;

''(B) to develop and conduct 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;

''(C) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of clean energy technology;

''(D) to perform market research to identify high profile candidates for clean energy deployment;

''(E) to provide consulting support to sites considering deployment of clean energy technologies;

''(F) to assist organizations developing clean energy technologies to overcome barriers to deployment; and

''(G) to assist companies and organizations with performance evaluations of any clean energy technology implemented.

''(e) DURATION.—

''(1) IN GENERAL.—A grant awarded under this section shall be for a period of 5 years

''(2) ANNUAL EVALUATIONS.—Each grant shall be evaluated annually for the continuation of the grant based on the activities and results of the grant.

''(f) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the items relating to part D of title III the following:

''PART E—INDUSTRIAL ENERGY EFFICIENCY

''Sec. 371. Definitions.

''Sec. 372. Survey and Registry.

''Sec. 373.Waste energy recovery incentive grant program.

''Sec. 374. Additional incentives for recovery, utilization and prevention of industrial waste energy.

''Sec. 375. Clean Energy Application Centers.''.

SEC. 452. ENERGY-INTENSIVE INDUSTRIES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an energy-intensive industry;

(B) a national trade association representing an energy-intensive industry; or

(C) a person acting on behalf of 1 or more energy-intensive industries or sectors, as determined by the Secretary.

(2) ENERGY-INTENSIVE INDUSTRY.—The term ''energy-intensive industry'' means an industry that uses significant quantities of energy as part of its primary economic activities, including—

(A) information technology, including data centers containing electrical equipment used in processing, storing, and transmitting digital information;

(B) consumer product manufacturing;
(C) food processing;
(D) materials manufacturers, including—
(i) aluminum;
(ii) chemicals;
(iii) forest and paper products;
(iv) metal casting;
(v) glass;
(vi) petroleum refining;
(vii) mining; and
(viii) steel;
(E) other energy-intensive industries, as determined by the Secretary.

(3) FEEDSTOCK.—The term ''feedstock'' means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) PARTNERSHIP.—The term ''partnership'' means an energy efficiency partnership established under subsection (c)(1)(A).

(5) PROGRAM.—The term ''program'' means the energy-intensive industries program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with energy-intensive industries and national industry trade associations representing the energy-intensive industries, shall support, research, develop, and promote the use of new materials processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States' industrial and commercial sectors.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall establish energy efficiency partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve the energy efficiency of equipment and processes used by energy-intensive industries, including the conduct of activities to—

(A) increase the energy efficiency of industrial processes and facilities;

(B) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance; and

(C) promote the use of the processes, technologies, and techniques described in subparagraphs (A) and (B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for funding under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting industry feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) research to develop and demonstrate technologies and processes that utilize alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(C) research to achieve energy efficiency in steam, power, control system, and process heat technologies, and in other manufacturing processes; and

(D) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(E) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(F) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for funding under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of funding under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) GRANTS.—The Secretary may award competitive grants for innovative technology research, development and demonstrations to universities, individual inventors, and small companies, based on energy savings potential, commercial viability, and technical merit.

(e) INSTITUTION OF HIGHER EDUCATION-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers, whose purpose shall be—

(1) to identify opportunities for optimizing energy efficiency and environmental performance;

(2) to promote applications of emerging concepts and technologies in small and medium-sized manufacturers;

(3) to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(4) to coordinate with appropriate Federal and State research offices, and provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

(5) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;
(B) $190,000,000 for fiscal year 2009;
(C) $196,000,000 for fiscal year 2010;
(D) $202,000,000 for fiscal year 2011;
(E) $208,000,000 for fiscal year 2012; and
(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

(3) COORDINATION AND NONDUPLICATION.—The Secretary shall coordinate efforts under this section with other programs of the Department and other Federal agencies to avoid duplication of effort.

SEC. 453. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) DATA CENTER.—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 uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) DATA CENTER OPERATOR.—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.

(b) VOLUNTARY NATIONAL INFORMATION PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Administrator of the Environmental Protection Agency shall, 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 the program.

(2) REQUIREMENTS.—The program described in paragraph (1) shall—

(A) address data center efficiency holistically, reflecting the total energy consumption of data centers as whole systems, including both equipment and facilities;

(B) consider prior work and studies undertaken in this area, including by the Environmental Protection Agency and the Department of Energy;

(C) consistent with the objectives described in paragraph (1), determine the type of data center and data center equipment and facilities to be covered under the program;

(D) produce specifications, measurements, best practices, and benchmarks that will enable data center operators to make more informed decisions about the energy efficiency and costs of data centers, and that take into account—

(i) the performance and use of servers, data storage devices, and other information technology equipment;

(ii) the efficiency of heating, ventilation, and air conditioning, cooling, and power conditioning systems, provided that no modification shall be required of a standard then in effect under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) for any covered heating, ventilation, air-conditioning, cooling or power-conditioning product;

(iii) energy savings from the adoption of software and data management techniques; and

(iv) other factors determined by the organization described in subsection (c);

(E) allow for creation of separate specifications, measurements, and benchmarks based on data center size and function, as well as other appropriate characteristics;

(F) advance the design and implementation of efficiency technologies to the maximum extent economically practical;

(G) 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; and

(H) publish the information described in subparagraph (G), 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.

(3) PROCEDURES.—The program described in paragraph (1) shall be developed in consultation with and coordinated by the organization described in subsection (c) according to commonly accepted procedures for the development of specifications, measurements, and benchmarks.

(c) DATA CENTER EFFICIENCY ORGANIZATION.—

(1) IN GENERAL.—After the establishment of the program described in subsection (b), the Secretary and the Administrator shall jointly designate an information technology industry organization to consult with and to coordinate the program.

(2) REQUIREMENTS.—The organization designated under paragraph (1), whether preexisting or formed specifically for the purposes of subsection (b), shall—

(A) 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;

(B) 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);

(C) follow commonly accepted procedures for the development of specifications and accredited standards development processes;

(D) have a mission to develop and promote energy efficiency for data centers and information technology; and

(E) have the primary responsibility to consult in the development and publishing of the information, measurements, and benchmarks described in subsection (b) and transmission of the information to the Secretary and the Administrator for consideration under subsection (d).

(d) MEASUREMENTS AND SPECIFICATIONS.—

(1) IN GENERAL.—The Secretary and the Administrator shall consider the specifications, measurements, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy and Environmental Protection Agency, respectively.

(2) REJECTIONS.—If the Secretary or the Administrator rejects 1 or more specifications, measurements, or benchmarks described in subsection (b), the rejection shall be made consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; Public Law 104–113).

(3) DETERMINATION OF IMPRACTICABILITY.—A determination that a specification, measurement, or benchmark described in subsection (b) is impractical may include consideration of the maximum efficiency that is technologically feasible and economically justified.

(e) MONITORING.—The Secretary and the Administrator shall—

(1) monitor and evaluate the efforts to develop the program described in subsection (b); and

(2) not later than 3 years after the date of enactment of this Act, make a determination as to whether the program is consistent with the objectives of subsection (b).

(f) ALTERNATIVE SYSTEM.—If the Secretary and the Administrator make a determination under subsection (e) that a voluntary national information program for data centers consistent with the objectives of subsection (b) has not been developed, the Secretary and the Administrator shall, after consultation with the National Institute of Standards and Technology and not later than 2 years after the determination, develop and implement the program under subsection (b).

(g) 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 section or the program established under this section.

Subtitle E—Healthy High-Performance Schools

SEC. 461. HEALTHY HIGH-PERFORMANCE SCHOOLS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following new title:

"TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

"SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

''(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, may provide grants to States for use in—

''(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

''(2) development and implementation of State school environmental health programs that include—

''(A) standards for school building design, construction, and renovation; and

''(B) identification of ongoing school building environmental problems, including contaminants, hazardous substances, and pollutant emissions, in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

''(b) SUNSET.—The authority of the Administrator to carry out this section shall expire 5 years after the date of enactment of this section.

"SEC. 502. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

''Not later than 18 months after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall issue voluntary school site selection guidelines that account for—

''(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

''(2) modes of transportation available to students and staff;

''(3) the efficient use of energy; and

''(4) the potential use of a school at the site as an emergency shelter.

"SEC. 503. PUBLIC OUTREACH.

''(a) REPORTS.—The Administrator shall publish and submit to Congress an annual report on all activities carried out under this title, until the expiration of authority described in section 501(b).

''(b) PUBLIC OUTREACH.—The Federal Director appointed under section 436(a) of the Energy Independence and Security Act of 2007 (in this title referred to as the 'Federal Director') shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423(1) of the Energy Independence and Security Act of 2007 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

"SEC. 504. ENVIRONMENTAL HEALTH PROGRAM.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

''(1) takes into account the status and findings of Federal initiatives established under this title or subtitle C of title IV of the Energy Independence and Security Act of 2007 and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

''(A) health, safety, and productivity; and

''(B) disabilities or special needs;

''(2) takes into account studies using relevant tools identified or developed in accordance with section 492 of the Energy Independence and Security Act of 2007;

''(3) takes into account, with respect to school facilities, each of—

''(A) environmental problems, contaminants, hazardous substances, and pollutant emissions, including—

''(i) lead from drinking water;

''(ii) lead from materials and products;

''(iii) asbestos;

''(iv) radon;

''(v) the presence of elemental mercury releases from products and containers;

''(vi) pollutant emissions from materials and products; and

''(vii) any other environmental problem, contaminant, hazardous substance, or pollutant emission that present or may present a risk to the health of occupants of the school facilities or environment;

''(B) natural day lighting;

''(C) ventilation choices and technologies;

''(D) heating and cooling choices and technologies;

''(E) moisture control and mold;

''(F) maintenance, cleaning, and pest control activities;

''(G) acoustics; and

''(H) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

''(4) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

''(5) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

''(6) assists States and the public in better understanding and improving the environmental health of children; and

''(7) takes into account the special vulnerability of children in low-income and minority communities to exposures from contaminants, hazardous substances, and pollutant emissions.

''(b) PUBLIC OUTREACH.—The Federal Director and Commercial Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423 of the Energy Independence and Security Act of 2007 receives and makes available—

''(1) information from the Administrator that is contained in the report described in section 503(a); and

''(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

"SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $1,000,000 for fiscal year 2009, and $1,500,000 for each of fiscal years 2010 through 2013, to remain available until expended.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Toxic Substances

Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

''Sec. 501. Grants for healthy school environments.
''Sec. 502. Model guidelines for siting of school facilities.
''Sec. 503. Public outreach.
''Sec. 504. Environmental health program.
''Sec. 505. Authorization of appropriations.''.

SEC. 462. 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 the combined effect building stressors such as heating, cooling, humidity, lighting, and acoustics have on building occupants' health, productivity, and overall well-being;

(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.

Subtitle F—Institutional Entities

SEC. 471. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 6371h) the following:

''SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

''(a) DEFINITIONS.—In this section:

''(1) COMBINED HEAT AND POWER.—The term 'combined heat and power' means the generation of electric energy and heat in a single, integrated system, with an overall thermal efficiency of 60 percent or greater on a higher-heating-value basis.

''(2) DISTRICT ENERGY SYSTEMS.—The term 'district energy systems' means systems providing thermal energy from a renewable energy source, thermal energy source, or highly efficient technology to more than 1 building or fixed energy-consuming use from 1 or more thermal-energy production facilities through pipes or other means to provide space heating, space conditioning, hot water, steam, compression, process energy, or other end uses for that energy.

''(3) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy source, thermal energy source, or a highly efficient technology for transportation, electricity generation, heating, cooling, lighting, or other energy services in fixed installations.

''(4) 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).

''(5) INSTITUTIONAL ENTITY.—The term 'institutional entity' means an institution of higher education, a public school district, a local government, a municipal utility, or a designee of 1 of those entities.

''(6) RENEWABLE ENERGY SOURCE.—The term 'renewable energy source' has the meaning given the term in section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

''(7) SUSTAINABLE ENERGY INFRASTRUCTURE.—The term 'sustainable energy infrastructure' means—

''(A) facilities for production of energy from renewable energy sources, thermal energy sources, or highly efficient technologies, including combined heat and power or other waste heat use; and

''(B) district energy systems.

''(8) THERMAL ENERGY SOURCE.—The term 'thermal energy source' means—

''(A) a natural source of cooling or heating from lake or ocean water; and

''(B) recovery of useful energy that would otherwise be wasted from ongoing energy uses.

''(b) TECHNICAL ASSISTANCE GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall implement a program of information dissemination and technical assistance to institutional entities to assist the institutional entities in identifying, evaluating, designing, and implementing sustainable energy infrastructure projects in energy sustainability.

''(2) ASSISTANCE.—The Secretary shall support institutional entities in—

''(A) identification of opportunities for sustainable energy infrastructure;

''(B) understanding the technical and economic characteristics of sustainable energy infrastructure;

''(C) utility interconnection and negotiation of power and fuel contracts;

''(D) understanding financing alternatives;

''(E) permitting and siting issues;

''(F) obtaining case studies of similar and successful sustainable energy infrastructure systems; and

''(G) reviewing and obtaining computer software for assessment, design, and operation and maintenance of sustainable energy infrastructure systems.

''(3) ELIGIBLE COSTS FOR TECHNICAL ASSISTANCE GRANTS.—On receipt of an application of an institutional entity, the Secretary may make grants to the institutional entity to fund a portion of the cost of—

''(A) feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

''(B) analysis and implementation of strategies to overcome barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

''(C) detailed engineering of sustainable energy infrastructure.

''(c) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to institutional entities to carry out projects to improve energy efficiency on the grounds and facilities of the institutional entity.

''(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 1 grant each year to an institution of higher education in each State.

''(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

''(2) CRITERIA.—Evaluation of projects for grant funding shall be based on criteria established by the Secretary, including criteria relating to—

''(A) improvement in energy efficiency;

''(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

''(C) increased use of renewable energy sources or thermal energy sources;

''(D) reduction in consumption of fossil fuels;

''(E) active student participation; and

''(F) need for funding assistance.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree—

''(A) to implement a public awareness campaign concerning the project in the community in which the institutional entity is located; and

''(B) to 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), including quantification of the results relative to the criteria described under paragraph (2).

''(d) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to institutional entities to engage in innovative energy sustainability projects.

''(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 2 grants each year to institutions of higher education in each State.

''(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

''(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) to the extent undertaken by an institution of higher education, ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of projects.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out using grant funds.

''(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—

''(1) IN GENERAL.—Of the total amount of grants provided to institutions of higher education 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.

''(2) REQUIREMENT.—To the extent that applications have been submitted, at least 50 percent of the amount described in paragraph (1) shall be provided to institutions of higher education that have an endowment of not more than $50,000,000.

''(f) GRANT AMOUNTS.—

''(1) IN GENERAL.—If the Secretary determines that cost sharing is appropriate, the amounts of grants provided under this section shall be limited as provided in this subsection.

''(2) TECHNICAL ASSISTANCE GRANTS.—In the case of grants for technical assistance under subsection (b), grant funds shall be available for not more than—

''(A) an amount equal to the lesser of—

''(i) $50,000; or

''(ii) 75 percent of the cost of feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

''(B) an amount equal to the lesser of—

''(i) $90,000; or

''(ii) 60 percent of the cost of guidance on overcoming barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

''(C) an amount equal to the lesser of—

''(i) $250,000; or

''(ii) 40 percent of the cost of detailed engineering and design of sustainable energy infrastructure.

''(3) GRANTS FOR EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—In the case of grants for efficiency improvement and energy sustainability under subsection (c), grant funds shall be available for not more than an amount equal to the lesser of—

''(A) $1,000,000; or

''(B) 60 percent of the total cost.

''(4) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—In the case of grants for innovation in energy sustainability under subsection (d), grant funds shall be available for not more than an amount equal to the lesser of—

''(A) $500,000; or

''(B) 75 percent of the total cost.

''(g) LOANS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

''(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall provide loans to institutional entities for the purpose of implementing energy efficiency improvements and sustainable energy infrastructure.

''(2) TERMS AND CONDITIONS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, loans made under this subsection shall be on such terms and conditions as the Secretary may prescribe.

''(B) MATURITY.—The final maturity of loans made within a period shall be the lesser of, as determined by the Secretary—

''(i) 20 years; or

''(ii) 90 percent of the useful life of the principal physical asset to be financed by the loan.

''(C) DEFAULT.—No loan made under this subsection may be subordinated to another debt contracted by the institutional entity or to any other claims against the institutional entity in the case of default.

''(D) BENCHMARK INTEREST RATE.—

''(i) IN GENERAL.—Loans under this subsection shall be at an interest rate that is set by reference to a benchmark interest rate (yield) on marketable Treasury securities with a similar maturity to the direct loans being made.

''(ii) MINIMUM.—The minimum interest rate of loans under this subsection shall be at the interest rate of the benchmark financial instrument.

''(iii) NEW LOANS.—The minimum interest rate of new loans shall be adjusted each quarter to take account of changes in the interest rate of the benchmark financial instrument.

''(E) CREDIT RISK.—The Secretary shall—

''(i) prescribe explicit standards for use in periodically assessing the credit risk of making direct loans under this subsection; and

''(ii) find that there is a reasonable assurance of repayment before making a loan.

''(F) ADVANCE BUDGET AUTHORITY REQUIRED.—New direct loans may not be obligated under this subsection except to the extent that appropriations of budget authority to cover the costs of the new direct loans are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(3) CRITERIA.—Evaluation of projects for potential loan funding shall be based on criteria established by the Secretary, including criteria relating to—

''(A) improvement in energy efficiency;

''(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

''(C) increased use of renewable electric energy sources or renewable thermal energy sources;

''(D) reduction in consumption of fossil fuels; and

''(E) need for funding assistance, including consideration of the size of endowment or other financial resources available to the institutional entity.

''(4) LABOR STANDARDS.—

''(A) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

''(B) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 Fed. Reg. 3176; 64 Stat. 1267) and section 3145 of title 40, United States Code.

''(h) PROGRAM PROCEDURES.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish procedures for the solicitation and evaluation of potential projects for grant and loan funding and administration of the grant and loan programs.

''(i) AUTHORIZATION.—

''(1) GRANTS.—There is authorized to be appropriated for the cost of grants authorized in subsections (b), (c), and (d) $250,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.

''(2) LOANS.—There is authorized to be appropriated for the initial cost of direct loans authorized in subsection (g) $500,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.''.

Subtitle G—Public and Assisted Housing

SEC. 481. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking, '', where such standards are determined to be cost effective by the Secretary of Housing and Urban Development''; and

(B) in the first sentence of paragraph (2)—

(i) by striking ''Council of American Building Officials Model Energy Code, 1992'' and inserting ''2006 International Energy Conservation Code''; and

(ii) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(2) in subsection (b)—

(A) in the heading, by striking ''**MODEL ENERGY CODE**.—'' and inserting ''**INTERNATIONAL ENERGY CONSERVATION CODE**.—'';

(B) by inserting ''and rehabilitation'' after ''all new construction''; and

(C) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(3) in subsection (c)—

(A) in the heading, by striking ''**MODEL ENERGY CODE AND**''; and

(B) by striking '', or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(4) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—If the Secretary of Housing and Urban Development and the Secretary of Agriculture have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c), all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard if—

''(1) the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively; and

''(2) the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency.'';

(5) by striking ''CABO Model Energy Code, 1992'' each place it appears and inserting ''the 2006 IECC''; and

(6) by striking ''1989'' each place it appears and inserting ''2004''.

Subtitle H—General Provisions

SEC. 491. 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 title, the Federal Director or the Commercial Director shall carry out—

(1) for each of fiscal years 2009 through 2014, 1 demonstration project per year of green features in a Federal building selected by the Federal Director in accordance with relevant agencies and described in subsection (c)(1), that—

(A) provides for instrumentation, monitoring, and data collection related to the green features, for study of the impact of the features on overall enrgy use and operational costs, and for the evaluation of the information obtained through the conduct of projects and activities under this title; and

(B) achieves the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(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 by achieving the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(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, including their impacts on energy use and operational costs, 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 of achieving high performance in actual building operation in 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) APPLICATIONS.—To receive a grant under subsection (b), an eligible applicant shall submit to the Federal Director or the Commercial Director an application at such time, in such manner, and containing such information as the Director may require, including a written assurance that all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section 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 sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall, with respect to the labor standards described in this subsection, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(e) 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.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the demonstration project described in section (b)(1) $10,000,000 for the period of fiscal years 2008 through 2012, and to carry out the demonstration project described in section (b)(2), $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 492. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Federal Director and the Commercial Director, jointly and in coordination with the Advisory Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, safety, security, and accessibility and each of—

(i) 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;

(viii) access to public transportation; and

(ix) other issues relating to the health, comfort, productivity, and performance of occupants of the building;

(B) promotes 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; and

(C) identifies and tests new and emerging technologies for high performance green buildings;

(3) assist the budget and life-cycle costing functions of the Directors' Offices under section 436(d);

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Directors' Offices.

(b) INDOOR AIR QUALITY.—The Federal Director, in consultation with the Administrator of the Environmental Protection Agency and the Advisory Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 493. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 329. DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

''(a) GRANT PROGRAM.—

''(1) IN GENERAL.—The Administrator shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

''(A) to deploy cost-effective technologies and practices; and

''(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

''(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

''(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

''(b) GUIDELINES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

''(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

''(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

''(B) standards for grantees to implement training programs, and to provide technical

assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

''(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

''(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

''(e) REPORTS.—

''(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

''(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

''(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

''(g) DEFINITIONS.—In this section, the terms 'cost effective technologies and practices' and 'operating cost savings' shall have the meanings defined in section 401 of the Energy Independence and Security Act of 2007.''.

SEC. 494. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Federal Director, in coordination with the Commercial Director, shall establish an advisory committee, to be known as the ''Green Building Advisory Committee''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 421(e); and

(B) other relevant agencies and entities, as determined by the Federal Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations;

(v) public transportation industry experts; and

(vi) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Federal Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Federal Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 495. ADVISORY COMMITTEE ON ENERGY EFFICIENCY FINANCE.

(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy, shall establish an Advisory Committee on Energy Efficiency Finance to provide advice and recommendations to the Department 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 with expertise in—

(1) availability of seed capital;

(2) availability of venture capital;

(3) availability of other sources of private equity;

(4) investment banking with respect to corporate finance;

(5) investment banking with respect to mergers and acquisitions;

(6) equity capital markets;

(7) debt capital markets;

(8) research analysis;

(9) sales and trading;

(10) commercial lending; and

(11) residential lending.

(c) TERMINATION.—The Advisory Committee on Energy Efficiency Finance shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to the Secretary for carrying out this section.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

SEC. 501. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASIBILITY STUDIES.

(a) STUDIES.—The Architect of the Capitol may conduct feasibility studies regarding construction of photovoltaic roofs for the Rayburn House Office Building and the Hart Senate 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 and the Committee on Rules and Administration of the Senate a report on the results of the feasibility studies and recommendations regarding construction of photovoltaic roofs for the buildings referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 502. 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 is authorized to be appropriated to carry out this section $640,000 for fiscal year 2008.

SEC. 503. 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 and conservation measures, greenhouse gas emission reduction 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 and Administration of the Senate a report on the energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

SEC. 504. 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 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. 505. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS FEASIBILITY STUDY AND DEMONSTRATION PROJECTS.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285) is amended in the seventh undesignated paragraph (relating to the Capitol power plant) under the heading ''Public Buildings'', under the heading ''Under the Department of Interior''—

(1) by striking ''ninety thousand dollars:'' and inserting ''$90,000.''; and

(2) by striking ''Provided, That hereafter the'' and all that follows through the end of the proviso and inserting the following:

''(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762) shall be known as the 'Capitol Power Plant'.

''(b) DEFINITION.—In this section, the term 'carbon dioxide energy efficiency' means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

''(c) FEASIBILITY STUDY.—The Architect of the Capitol shall conduct a feasibility study evaluating the available methods to capture, store, and use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels. In carrying out the feasibility study, the Architect of the Capitol is encouraged to consult with individuals with expertise in carbon capture and storage or use, including experts with the Environmental Protection Agency, Department of Energy, academic institutions, non-profit organizations, and industry, as appropriate. The study shall consider—

''(1) the availability of technologies to capture and store or use Capitol Power Plant carbon dioxide emissions;

''(2) strategies to conserve energy and reduce carbon dioxide emissions at the Capitol Power Plant; and

''(3) other factors as determined by the Architect of the Capitol.

''(d) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—If the feasibility study determines that a demonstration project to capture and store or use Capitol Power Plant carbon dioxide emissions is technologically feasible and economically justified (including direct and indirect economic and environmental benefits), the Architect of the Capitol may conduct one or more demonstration projects to capture and store or use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels.

''(2) FACTORS FOR CONSIDERATION.—In carrying out such demonstration projects, the Architect of the Capitol shall consider—

''(A) the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

''(B) whether the proposed project is able to reduce air pollutants other than carbon dioxide;

''(C) the carbon dioxide energy efficiency of the proposed project;

''(D) whether the proposed project is able to use carbon dioxide emissions;

''(E) whether the proposed project could be expanded to significantly increase the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

''(F) the potential environmental, energy, and educational benefits of demonstrating the capture and storage or use of carbon dioxide at the U.S. Capitol; and

''(G) other factors as determined by the Architect of the Capitol.

''(3) TERMS AND CONDITIONS.—A demonstration project funded under this section shall be subject to such terms and conditions as the Architect of the Capitol may prescribe.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the feasibility study and demonstration project $3,000,000. Such sums shall remain available until expended.''.

Subtitle B—Energy Savings Performance Contracting

SEC. 511. AUTHORITY TO ENTER INTO CONTRACTS; REPORTS.

(a) IN GENERAL.—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. 512. 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) FUNDING OPTIONS.—In carrying out a contract under this title, a Federal agency may use any combination of—

''(i) appropriated funds; and

''(ii) private financing under an energy savings performance contract.''.

SEC. 513. 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)) (as amended by section 512) 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.—In the case of energy savings performance contracts, the evaluations and savings measurement and verification required under paragraphs (2) and (4) of section 543(f) shall be used by a Federal agency to meet the requirements for 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.

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 18 months 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 B of title V of the Energy Independence and Security Act of 2007.''.

SEC. 514. PERMANENT REAUTHORIZATION.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

SEC. 515. 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;

''(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, 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. 516. RETENTION OF SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

SEC. 517. TRAINING FEDERAL CONTRACTING OFFICERS TO NEGOTIATE ENERGY EFFICIENCY CONTRACTS.

(a) PROGRAM.—The Secretary shall create and administer in the Federal Energy Management Program a training program to educate Federal contract negotiation and contract management personnel so that the 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 the potential energy efficiency opportunities and implications of the contracts.

(b) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall plan, staff, announce, and begin training under the Federal Energy Management Program.

(c) PERSONNEL TO BE TRAINED.—Personnel appropriate to receive training under the Federal Energy Management Program shall be selected by and sent for the training from—

(1) the Department of Defense;

(2) the Department of Veterans Affairs;

(3) the Department;

(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 the Secretary, in carrying out the Federal Energy Management Program, to offer the potential for energy savings and greenhouse gas emission reductions if negotiated with taking into account those goals.

(d) TRAINERS.—Training under the Federal Energy Management Program may be conducted by—

(1) attorneys or contract officers with experience in negotiating and managing contracts described in subsection (c)(7) from any agency, except that the Secretary shall reimburse the related salaries and expenses of the attorneys or contract officers from amounts made available for carrying out this section to the extent the attorneys or contract officers are not employees of the Department; and

(2) private experts hired by the Secretary for the purposes of this section, except that the Secretary may not hire experts who are simultaneously employed by any company under contract to provide energy efficiency services to the Federal Government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section

$750,000 for each of fiscal years 2008 through 2012.

SEC. 518. STUDY OF ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(A) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(i) that transportation; or

(ii) maintaining a controlled environment within the vehicle, device, or equipment; and

(B) any federally-owned equipment used to generate electricity or transport water.

(2) SECONDARY SAVINGS.—

(A) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(B) INCLUSIONS.—The term ''secondary savings'' includes—

(i) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(ii) personnel cost savings and environmental benefits; and

(iii) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(2) REQUIREMENTS.—The study under this subsection shall include—

(A) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(B) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to that use; and

(C) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

Subtitle C—Energy Efficiency in Federal Agencies

SEC. 521. 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 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.

SEC. 522. 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.

SEC. 523. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in clause (i)(II), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) if lifecycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.''.

SEC. 524. FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.—

''(1) DEFINITION OF ELIGIBLE PRODUCT.—In this subsection, 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 paragraph (4).

''(2) FEDERAL PURCHASING REQUIREMENT.—Subject to paragraph (3), if an agency purchases an eligible product, the agency shall purchase—

''(A) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

''(B) if an eligible product described in subparagraph (A) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

''(3) LIMITATION.—The requirements of paragraph (2) shall apply to a purchase by an agency only if—

''(A) the lower-wattage eligible product is—

''(i) lifecycle cost-effective; and

''(ii) practicable; and

''(B) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

''(4) ELIGIBLE PRODUCTS.—The Secretary, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of paragraph (2).''.

SEC. 525. 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 the second sentence of 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 ''in which 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 established by the amendment made by subsection (a)(2)(A) has been fully complied with.

SEC. 526. 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 nonconventional 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. 527. GOVERNMENT EFFICIENCY STATUS REPORTS.

(a) IN GENERAL.—Each Federal agency subject to any of the requirements of this title or 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 the taxpayers of the United States resulting from mandated improvements under this title and the amendments made by this title

(b) SUBMISSION.—The 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. 528. 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 527;

(2) an evaluation of the overall progress of the Federal Government 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 Director of the Office of Management and Budget shall include in any annual energy scorecard the Director is otherwise required to submit a description of the compliance of each agency with the requirements of this title and the amendments made by this title.

SEC. 529. ELECTRICITY SECTOR DEMAND RESPONSE.

(a) IN GENERAL.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

"PART 5—PEAK DEMAND REDUCTION

"SEC. 571. NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

''(a) NATIONAL ASSESSMENT AND REPORT.—The Federal Energy Regulatory Commission ('Commission') shall conduct a National Assessment of Demand Response. The Commission shall, within 18 months of the date of enactment of this part, 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 part 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.

''(3) The Commission shall further note any barriers to demand response programs offering flexible, non-discriminatory, and fairly compensatory terms for the services and benefits made available, and shall provide recommendations for overcoming such barriers.

''(4) The Commission shall seek to take advantage of preexisting research and ongoing work, and shall insure that there is no duplication of effort.

''(b) NATIONAL ACTION PLAN ON DEMAND RESPONSE.—The Commission shall further develop a National Action Plan on Demand Response, soliciting and accepting input and participation from a broad range of industry stakeholders, State regulatory utility commissioners, and non-governmental groups. The Commission shall seek consensus where possible, and decide on optimum solutions to issues that defy consensus. 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) Identification of requirements for technical assistance to States to allow them to maximize the amount of demand response resources that can be developed and deployed.

''(2) Design and identification of requirements for implementation of a national communications program that includes broad-based customer education and support.

''(3) Development or identification of analytical tools, information, model regulatory provisions, model contracts, and other support materials for use by customers, states, utilities and demand response providers.

''(c) Upon completion, the National Action Plan on Demand Response shall be published, together with any favorable and dissenting comments submitted by participants in its preparation. Six months after publication, the Commission, together with the Secretary of Energy, shall submit to Congress a proposal to implement the Action Plan, including specific proposed assignments of responsibility, proposed budget amounts, and any agreements secured for participation from State and other participants.

''(d) AUTHORIZATION.—There are authorized to be appropriated to the Commission to carry out this section not more than $10,000,000 for each of the fiscal years 2008, 2009, and 2010.''.

(b) TABLE OF CONTENTS.—The table of contents for the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by adding after the items relating to part 4 of title V the following:

''PART 5—PEAK DEMAND REDUCTION

''Sec. 571. National Action Plan for Demand Response.''.

Subtitle D—Energy Efficiency of Public Institutions

SEC. 531. 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 fiscal years 2007 through 2012''.

SEC. 532. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) 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;

''(v) allowing timely recovery of energy efficiency-related costs; and

''(vi) offering home energy audits, offering demand response programs, 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 energy efficiency improvements more affordable.''.

(b) NATURAL GAS UTILITIES.—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.

''(6) RATE DESIGN 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) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(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 enactment of this paragraph.''.

(c) CONFORMING AMENDMENT.—Section 303(a) of the Public Utility Regulatory Policies Act of 1978 U.S.C. 3203(a)) is amended by striking ''and (4)'' inserting ''(4), (5), and (6)''.

Subtitle E—Energy Efficiency and Conservation Block Grants

SEC. 541. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State;

(B) an eligible unit of local government; and

(C) an Indian tribe.

(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ''eligible unit of local government'' means—

(A) an eligible unit of local government–alternative 1; and

(B) an eligible unit of local government–alternative 2.

(3)(A) ELIGIBLE UNIT OF LOCAL GOVERNMENT–ALTERNATIVE 1.—The term ''eligible unit of local government–alternative 1'' means—

(i) a city with a population—

(I) of at least 35,000; or

(II) that causes the city to be 1 of the 10 highest-populated cities of the State in which the city is located; and

(ii) a county with a population—

(I) of at least 200,000; or

(II) that causes the county to be 1 of the 10 highest-populated counties of the State in which the county is located.

(B) ELIGIBLE UNIT OF LOCAL GOVERNMENT–ALTERNATIVE 2.—The term ''eligible unit of local government–alternative 2'' means—

(i) a city with a population of at least 50,000; or

(ii) a county with a population of at least 200,000.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self- Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PROGRAM.—The term ''program'' means the Energy Efficiency and Conservation Block Grant Program established under section 542(a).

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 542. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ''Energy Efficiency and Conservation Block Grant Program'', under which the Secretary shall provide grants to eligible entities in accordance with this subtitle.

(b) PURPOSE.—The purpose of the program shall be to assist eligible entities in implementing strategies—

(1) to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in manner that—

(A) is environmentally sustainable; and

(B) to the maximum extent practicable, maximizes benefits for local and regional communities;

(2) to reduce the total energy use of the eligible entities; and

(3) to improve energy efficiency in—

(A) the transportation sector;

(B) the building sector; and

(C) other appropriate sectors.

SEC. 543. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Of amounts made available to provide grants under this subtitle for each fiscal year, the Secretary shall allocate—

(1) 68 percent to eligible units of local government in accordance with subsection (b);

(2) 28 percent to States in accordance with subsection (c);

(3) 2 percent to Indian tribes in accordance with subsection (d); and

(4) 2 percent for competitive grants under section 546.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—Of amounts available for distribution to eligible units of local government under subsection (a)(1), the Secretary shall provide grants to eligible units of local government under this section based on a formula established by the Secretary according to—

(1) the populations served by the eligible units of local government, according to the latest available decennial census; and

(2) the daytime populations of the eligible units of local government and other similar factors (such as square footage of commercial, office, and industrial space), as determined by the Secretary.

(c) STATES.—Of amounts available for distribution to States under subsection (a)(2), the Secretary shall provide—

(1) not less than 1.25 percent to each State; and

(2) the remainder among the States, based on a formula to be established by the Secretary that takes into account—

(A) the population of each State; and

(B) any other criteria that the Secretary determines to be appropriate.

(d) INDIAN TRIBES.—Of amounts available for distribution to Indian tribes under subsection (a)(3), the Secretary shall establish a formula for allocation of the amounts to Indian tribes, taking into account any factors that the Secretary determines to be appropriate.

(e) PUBLICATION OF ALLOCATION FORMULAS.—Not later than 90 days before the beginning of each fiscal year for which grants are provided under this subtitle, the Secretary shall publish in the Federal Register the formulas for allocation established under this section.

(f) STATE AND LOCAL ADVISORY COMMITTEE.—The Secretary shall establish a State and local advisory committee to advise the Secretary regarding administration, implementation, and evaluation of the program.

SEC. 544. USE OF FUNDS.

An eligible entity may use a grant received under this subtitle to carry out activities to achieve the purposes of the program, including—

(1) development and implementation of an energy efficiency and conservation strategy under section 545(b);

(2) retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—

(A) formulation of energy efficiency, energy conservation, and energy usage goals;

(B) identification of strategies to achieve those goals—

(i) through efforts to increase energy efficiency and reduce energy consumption; and

(ii) by encouraging behavioral changes among the population served by the eligible entity;

(C) development of methods to measure progress in achieving the goals;

(D) development and publication of annual reports to the population served by the eligible entity describing—

(i) the strategies and goals; and

(ii) the progress made in achieving the strategies and goals during the preceding calendar year; and

(E) other services to assist in the implementation of the energy efficiency and conservation strategy;

(3) conducting residential and commercial building energy audits;

(4) establishment of financial incentive programs for energy efficiency improvements;

(5) the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;

(6) development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, 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 and verification protocols; and

(E) identification of energy efficient technologies;

(7) development and implementation of programs to conserve energy used in transportation, including—

(A) use of flex time by employers;

(B) satellite work centers;

(C) development and promotion of zoning guidelines or requirements that promote energy efficient development;

(D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;

(E) synchronization of traffic signals; and

(F) other measures that increase energy efficiency and decrease energy consumption;

(8) development and implementation of building codes and inspection services to promote building energy efficiency;

(9) application and implementation of energy distribution technologies that significantly increase energy efficiency, including—

(A) distributed resources; and

(B) district heating and cooling systems;

(10) activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;

(11) the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;

(12) replacement of traffic signals and street lighting with energy efficient lighting technologies, including—

(A) light emitting diodes; and

(B) any other technology of equal or greater energy efficiency;

(13) development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—

(A) solar energy;

(B) wind energy;

(C) fuel cells; and

(D) biomass; and

(14) any other appropriate activity, as determined by the Secretary, in consultation with—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Transportation; and

(C) the Secretary of Housing and Urban Development.

SEC. 545. REQUIREMENTS FOR ELIGIBLE ENTITIES.

(a) CONSTRUCTION REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, each eligible applicant shall submit to the Secretary a written assurance that all laborers and mechanics employed by any contractor or subcontractor of the eligible entity during any construction, alteration, or repair activity funded, in whole or in part, by the grant shall be paid wages at rates not less than the prevailing wages for similar construction activities in the locality, as determined by the Secretary of Labor, in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) SECRETARY OF LABOR.—With respect to the labor standards referred to in paragraph (1), the Secretary of Labor shall have the authority and functions described in—

(A) Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 903 note); and

(B) section 3145 of title 40, United States Code.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES.—

(1) PROPOSED STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date on which an eligible unit of local government or Indian tribe receives a grant under this subtitle, the eligible unit of local government or Indian tribe shall submit to the Secretary a proposed energy efficiency and conservation strategy in accordance with this paragraph.

(B) INCLUSIONS.—The proposed strategy under subparagraph (A) shall include—

(i) a description of the goals of the eligible unit of local government or Indian tribe, in accordance with the purposes of this subtitle, for increased energy efficiency and conservation in the jurisdiction of the eligible unit of local government or Indian tribe; and

(ii) a plan for the use of the grant to assist the eligible unit of local government or Indian tribe in achieving those goals, in accordance with section 544.

(C) REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL GOVERNMENT.—In developing the strategy under subparagraph (A), an eligible unit of local government shall—

(i) take into account any plans for the use of funds by adjacent eligible units of local governments that receive grants under the program; and

(ii) coordinate and share information with the State in which the eligible unit of local government is located regarding activities carried out using the grant to maximize the energy efficiency and conservation benefits under this subtitle.

(2) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (1) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the eligible unit of local government or Indian tribe the reasons for the disapproval; and

(ii) the eligible unit of local government or Indian tribe may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to an eligible unit of local government or Indian tribe any grant under the program until a proposed strategy of the eligible unit of local government or Indian tribe is approved by the Secretary under this paragraph.

(3) LIMITATIONS ON USE OF FUNDS.—Of amounts provided to an eligible unit of local government or Indian tribe under the program, an eligible unit of local government or Indian tribe may use—

(A) for administrative expenses, excluding the cost of meeting the reporting requirements of this subtitle, an amount equal to the greater of—

(i) 10 percent; and

(ii) $75,000;

(B) for the establishment of revolving loan funds, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000; and

(C) for the provision of subgrants to nongovernmental organizations for the purpose of assisting in the implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000.

(4) ANNUAL REPORT.—Not later than 2 years after the date on which funds are initially provided to an eligible unit of local government or Indian tribe under the program, and annually thereafter, the eligible unit of local government or Indian tribe shall submit to the Secretary a report describing—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe; and

(B) as practicable, an assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government or Indian tribe.

(c) STATES.—

(1) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—A State that receives a grant under the program shall use not less than 60 percent of the amount received to provide subgrants to units of local government in the State that are not eligible units of local government.

(B) DEADLINE.—The State shall provide the subgrants required under subparagraph (A) by not later than 180 days after the date on which the Secretary approves a proposed energy efficiency and conservation strategy of the State under paragraph (3).

(2) REVISION OF CONSERVATION PLAN; PROPOSED STRATEGY.—Not later than 120 days after the date of enactment of this Act, each State shall—

(A) modify the State energy conservation plan of the State under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) to establish additional goals for increased energy efficiency and conservation in the State; and

(B) submit to the Secretary a proposed energy efficiency and conservation strategy that—

(i) establishes a process for providing subgrants as required under paragraph (1); and

(ii) includes a plan of the State for the use of funds received under a the program to assist the State in achieving the goals established under subparagraph (A), in accordance with sections 542(b) and 544.

(3) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (2)(B) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the State the reasons for the disapproval; and

(ii) the State may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to a State any grant under the program until a proposed strategy of the State is approved the Secretary under this paragraph.

(4) LIMITATIONS ON USE OF FUNDS.—A State may use not more than 10 percent of amounts provided under the program for administrative expenses.

(5) ANNUAL REPORTS.—Each State that receives a grant under the program shall submit to the Secretary an annual report that describes—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the State during the preceding calendar year;

(B) the status of the subgrant program of the State under paragraph (1);

(C) the energy efficiency gains achieved through the energy efficiency and conservation strategy of the State during the preceding calendar year; and

(D) specific energy efficiency and conservation goals of the State for subsequent calendar years.

SEC. 546. COMPETITIVE GRANTS.

(a) IN GENERAL.—Of the total amount made available for each fiscal year to carry out this subtitle, the Secretary shall use not less than 2 percent to provide grants under this section, on a competitive basis, to—

(1) units of local government (including Indian tribes) that are not eligible entities; and

(2) consortia of units of local government described in paragraph (1).

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a unit of local government or consortia shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan of the unit of local government to carry out an activity described in section 544.

(c) PRIORITY.—In providing grants under this section, the Secretary shall give priority to units of local government—

(1) located in States with populations of less than 2,000,000; or

(2) that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

SEC. 547. REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary may review and evaluate the performance of any eligible entity that receives a grant under the program, including by conducting an audit, as the Secretary determines to be appropriate.

(b) WITHHOLDING OF FUNDS.—The Secretary may withhold from an eligible entity any portion of a grant to be provided to the eligible entity under the program if the Secretary determines that the eligible entity has failed to achieve compliance with—

(1) any applicable guideline or regulation of the Secretary relating to the program, including the misuse or misappropriation of funds provided under the program; or

(2) the energy efficiency and conservation strategy of the eligible entity.

SEC. 548. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There is authorized to be appropriated to the Secretary for the provision of grants under the program $2,000,000,000 for each of fiscal years 2008 through 2012; provided that 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government–alternative 1 in section 541(3)(A) and 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government–alternative 2 in section 541(3)(B).

(2) ADMINISTRATIVE COSTS.—There are authorized to be appropriated to the Secretary for administrative expenses of the program—

(A) $20,000,000 for each of fiscal years 2008 and 2009;

(B) $25,000,000 for each of fiscal years 2010 and 2011; and

(C) $30,000,000 for fiscal year 2012.

(b) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding provided under—

(1) a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(2) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Solar Energy Research and Advancement Act of 2007''.

SEC. 602. 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. 603. CONCENTRATING SOLAR POWER COMMERCIAL APPLICATION STUDIES.

(a) INTEGRATION.—The Secretary shall conduct a study on methods to integrate concentrating solar power and utility-scale photovoltaic systems 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 and utility-scale photovoltaic systems 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. 604. 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 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 an 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 an 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, on 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. 605. 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. 606. 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.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(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. 607. 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.

(c) COMPETITION.—The Secretary shall award grants on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies. The Secretary shall take into consideration the geographic distribution of awards.

(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 this section 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 results of the monitoring under subsection (f)(5); and

(5) 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 B—Geothermal Energy

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ''Advanced Geothermal Energy Research and Development Act of 2007''.

SEC. 612. 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) 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. 613. 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 advanced 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. 614. 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 and high-pressure logging, logging while drilling, deep fracture stimulation, and reservoir system diagnostics.

(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;

(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; and

(3) support a program of research to compare the potential environmental impacts identified as part of the development, production, and use of geothermal energy with the potential emission reductions of greenhouse gases gained by geothermal energy development, production, and use.

SEC. 615. 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; and

(F) understanding seismic effects of reservoir engineering and stimulation.

(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 4 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 SITE.—The Desert Peak, Nevada, site, where a Department of Energy and industry cooperative enhanced geothermal systems project is already underway, may be considered for inclusion among the sites selected under subparagraph (A).

SEC. 616. 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, including electricity, 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 advanced 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 advanced 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.

(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. 617. COST SHARING AND PROPOSAL EVALUATION.

(a) FEDERAL SHARE.—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.

(b) ORGANIZATION AND ADMINISTRATION OF PROGRAMS.—Programs under this subtitle shall incorporate the following elements:

(1) 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.

(2) In evaluating proposals, the Secretary shall give priority to proposals that demonstrate clear evidence of employing a systems approach.

(3) The Secretary shall coordinate and consult with the appropriate Federal land management agencies in selecting proposals for funding under this subtitle.

(4) Nothing in this subtitle shall be construed to alter or affect any law relating to the management or protection of Federal lands.

SEC. 618. CENTER FOR GEOTHERMAL TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary shall award to an institution of higher education (or consortium thereof) a grant to establish a Center for Geothermal Technology Transfer (referred to in this section as the ''Center'').

(b) DUTIES.—The Center shall—

(1) serve as an information clearinghouse for the geothermal industry by collecting and disseminating information on best practices in all areas relating to developing and utilizing geothermal resources;

(2) make data collected by the Center available to the public; and

(3) seek opportunities to coordinate efforts and share information with domestic and international partners engaged in research and development of geothermal systems and related technology.

(c) SELECTION CRITERIA.—In awarding the grant under subsection (a) the Secretary shall select an institution of higher education (or consortium thereof) best suited to provide national leadership on geothermal related issues and perform the duties enumerated under subsection (b).

(d) DURATION OF GRANT.—A grant made under subsection (a)—

(1) shall be for an initial period of 5 years; and

(2) may be renewed for additional 5-year periods on the basis of—

(A) satisfactory performance in meeting the duties outlined in subsection (b); and

(B) any other requirements specified by the Secretary.

SEC. 619. 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. 620. 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. 621. REPORTS.

(a) REPORTS ON ADVANCED USES OF GEOTHERMAL ENERGY.—Not later than 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. 622. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law. To the extent that activities authorized in this subtitle take place in coastal and ocean areas, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, regarding the potential marine environmental impacts and measures to address such impacts.

SEC. 623. 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 616. 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.

SEC. 624. INTERNATIONAL GEOTHERMAL ENERGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy, in coordination with other appropriate Federal and multilateral agencies (including the United States Agency for International Development) shall support international collaborative efforts to promote the research, development, and deployment of geothermal technologies used to develop hydrothermal and enhanced geothermal system resources, including as partners (as appropriate) the African Rift Geothermal Development Facility, Australia, China, France, the Republic of Iceland, India, Japan, and the United Kingdom.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The Director of the United States Trade and Development Agency may—

(1) encourage participation by United States firms in actions taken to carry out subsection (a); and

(2) provide grants and other financial support for feasibility and resource assessment studies conducted in, or intended to benefit, less developed countries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 625. HIGH COST REGION GEOTHERMAL ENERGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a utility;

(B) an electric cooperative;

(C) a State;

(D) a political subdivision of a State;

(E) an Indian tribe; or

(F) a Native corporation.

(2) HIGH-COST REGION.—The term ''high-cost region'' means a region in which the average cost of electrical power exceeds 150 percent of the national average retail cost, as determined by the Secretary.

(b) PROGRAM.—The Secretary shall use amounts made available to carry out this section to make grants to eligible entities for activities described in subsection (c).

(c) ELIGIBLE ACTIVITIES.—An eligible entity may use grant funds under this section, with respect to a geothermal energy project in a high-cost region, only—

(1) to conduct a feasibility study, including a study of exploration, geochemical testing, geomagnetic surveys, geologic information gathering, baseline environmental studies, well drilling, resource characterization, permitting, and economic analysis;

(2) for design and engineering costs, relating to the project; and

(3) to demonstrate and promote commercial application of technologies related to geothermal energy as part of the project.

(d) COST SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this section.

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

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''Marine and Hydrokinetic Renewable Energy Research and Development Act''.

SEC. 632. DEFINITION.

For purposes of this subtitle, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—:

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

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

(3) free flowing water in man-made channels; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term ''marine and hydrokinetic renewable energy'' does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish a program of research, development, demonstration, and commercial application to expand marine and hydrokinetic renewable energy production, including programs to—

(1) study and compare existing marine and hydrokinetic renewable energy technologies;

(2) research, develop, and demonstrate marine and hydrokinetic renewable energy systems and technologies;

(3) reduce the manufacturing and operation costs of marine and hydrokinetic 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 and hydrokinetic renewable energy technologies, including development of corrosive-resistant materials;

(8) identify, in conjunction with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, and other Federal agencies as appropriate, the potential environmental impacts, including potential impacts on fisheries and other marine resources, of marine and hydrokinetic renewable energy technologies, measures to prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(9) identify, in conjunction with the Secretary of the Department in which the United States Coast Guard is operating, acting through the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to prevent adverse impacts on navigation;

(10) develop power measurement standards for marine and hydrokinetic renewable energy;

(11) develop identification standards for marine and hydrokinetic renewable energy devices;

(12) address standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces;

(13) identifying opportunities for cross fertilization and development of economies of scale between other renewable sources and marine and hydrokinetic renewable energy sources; and

(14) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Commerce, acting through the Undersecretary of Commerce for Oceans and Atmosphere, and the Secretary of the Interior, shall provide to the Congress a report that addresses—

(1) the potential environmental impacts, including impacts to fisheries and marine resources, of marine and hydrokinetic renewable energy technologies;

(2) options to prevent adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in identifying and addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

SEC. 634. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

(a) CENTERS.—The Secretary 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 an engineering program at an institution of higher education.

(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 the Centers, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, on the criteria related to ocean waves, tides, and currents including those for advancing wave forecasting technologies, ocean temperature differences, and studying the compatibility of marine renewable energy technologies and systems with the environment, fisheries, and other marine resources.

(b) PURPOSES.—The Centers shall advance research, development, demonstration, and commercial application of marine renewable energy, 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. 635. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law.

SEC. 636. 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 D—Energy Storage for Transportation and Electric Power

SEC. 641. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under subsection (e).

(2) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

(3) ELECTRIC DRIVE VEHICLE.—The term ''electric drive vehicle'' means—

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

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

(4) ISLANDING.—The term ''islanding'' means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(5) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(6) MICROGRID.—The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators and energy storage devices), which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode.

(7) SELF-HEALING GRID.—The term ''self-healing grid'' means a grid that is capable of automatically anticipating and responding to power system disturbances (including the isolation of failed sections and components), while optimizing the performance and service of the grid to customers.

(8) SPINNING RESERVE SERVICES.—The term ''spinning reserve services'' means a quantity of electric generating capacity in excess of the quantity needed to meet peak electric demand.

(9) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to a conventional capacitor but is capable of exceeding the energy density of a conventional capacitor by several orders of magnitude.

(c) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(d) COORDINATION.—In carrying out the activities of this section, the Secretary shall coordinate relevant efforts with appropriate Federal agencies, including the Department of Transportation.

(e) ENERGY STORAGE ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(B) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(C) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under subparagraph (A).

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less than once a year.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a meeting of the Council.

(4) PLANS.—No later than 1 year after the date of enactment of this Act and every 5 years thereafter, the Council, in conjunction with the Secretary, shall develop a 5-year plan for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(5) REVIEW.—The Council shall—

(A) assess, every 2 years, the performance of the Department in meeting the goals of the plans developed under paragraph (4); and

(B) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(f) BASIC RESEARCH PROGRAM.—

(1) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, including—

(A) materials design;

(B) materials synthesis and characterization;

(C) electrode-active materials, including electrolytes and bioelectrolytes;

(D) surface and interface dynamics;

(E) modeling and simulation; and

(F) thermal behavior and life degradation mechanisms.

(2) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the energy storage research centers of the Department maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

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

(g) APPLIED RESEARCH PROGRAM.—

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

(A) ultracapacitors;

(B) flywheels;

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

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems;

(G) thermal management systems; and

(H) hydrogen as an energy storage medium.

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

(h) ENERGY STORAGE RESEARCH CENTERS.—

(1) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(2) PROGRAM MANAGEMENT.—The centers shall be managed by the Under Secretary for Science of the Department.

(3) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(4) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under subsection (e)(4).

(5) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this subsection, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(6) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this subsection.

(7) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under this subsection, that—

(A) if an industrial participant is active in a energy storage research center established under this subsection relating to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, the industrial participant be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses, and royalties on terms that are reasonable, as determined by the Secretary;

(B) if 1 or more industry participants are active in a center, during a 2-year period beginning on the date on which an invention is made—

(i) the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under this subsection; and

(ii) the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under this subsection; and

(C) the new invention be developed under such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under this subsection to advance the capability of the United States to successfully compete in global energy storage markets.

(i) ENERGY STORAGE SYSTEMS DEMONSTRATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems.

(2) SCOPE.—The demonstrations shall—

(A) be regionally diversified; and

(B) expand on the existing technology demonstration program of the Department.

(3) STAKEHOLDERS.—In carrying out the demonstrations, the Secretary shall, to the maximum extent practicable, include the participation of a range of stakeholders, including—

(A) rural electric cooperatives;

(B) investor owned utilities;

(C) municipally owned electric utilities;

(D) energy storage systems manufacturers;

(E) electric drive vehicle manufacturers;

(F) the renewable energy production industry;

(G) State or local energy offices;

(H) the fuel cell industry; and

(I) institutions of higher education.

(4) OBJECTIVES.—Each of the demonstrations shall include 1 or more of the following:

(A) Energy storage to improve the feasibility of microgrids or islanding, or transmission and distribution capability, to improve reliability in rural areas.

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

(C) Use of energy storage to improve security to emergency response infrastructure and ensure availability of emergency backup power for consumers.

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

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

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

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

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

(I) Use of energy storage devices to store energy during nonpeak generation periods to make better use of existing grid assets.

(j) VEHICLE ENERGY STORAGE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of electric drive vehicle energy storage technology demonstrations.

(2) CONSORTIA.—The technology demonstrations shall be conducted through consortia, which may include—

(A) energy storage systems manufacturers and suppliers of the manufacturers;

(B) electric drive vehicle manufacturers;

(C) rural electric cooperatives;

(D) investor owned utilities;

(E) municipal and rural electric utilities;

(F) State and local governments;

(G) metropolitan transportation authorities; and

(H) institutions of higher education.

(3) OBJECTIVES.—The program shall demonstrate 1 or more of the following:

(A) Novel, high capacity, high efficiency energy storage, charging, and control systems, along with the collection of data on performance characteristics, such as battery life, energy storage capacity, and power delivery capacity.

(B) Advanced onboard energy management systems and highly efficient battery cooling systems.

(C) Integration of those systems on a prototype vehicular platform, including with drivetrain systems for passenger, commercial, and nonroad electric drive vehicles.

(D) New technologies and processes that reduce manufacturing costs.

(E) Integration of advanced vehicle technologies with electricity distribution system and smart metering technology.

(F) Control systems that minimize emissions profiles in cases in which clean diesel engines are part of a plug-in hybrid drive system.

(k) SECONDARY APPLICATIONS AND DISPOSAL OF ELECTRIC DRIVE VEHICLE BATTERIES.—The Secretary shall carry out a program of research, development, and demonstration of—

(1) secondary applications of energy storage devices following service in electric drive vehicles; and

(2) technologies and processes for final recycling and disposal of the devices.

(l) COST SHARING.—The Secretary shall carry out the programs established under this section in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(m) MERIT REVIEW OF PROPOSALS.—The Secretary shall carry out the programs established under subsections (i), (j), and (k) in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353).

(n) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate activities under this section with other programs and laboratories of the Department and other Federal research programs.

(o) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—On the business day that is 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(1) the basic research program under subsection (f) $50,000,000 for each of fiscal years 2009 through 2018;

(2) the applied research program under subsection (g) $80,000,000 for each of fiscal years 2009 through 2018; and;

(3) the energy storage research center program under subsection (h) $100,000,000 for each of fiscal years 2009 through 2018;

(4) the energy storage systems demonstration program under subsection (i) $30,000,000 for each of fiscal years 2009 through 2018;

(5) the vehicle energy storage demonstration program under subsection (j) $30,000,000 for each of fiscal years 2009 through 2018; and

(6) the secondary applications and disposal of electric drive vehicle batteries program under subsection (k) $5,000,000 for each of fiscal years 2009 through 2018.

Subtitle E—Miscellaneous Provisions

SEC. 651. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall establish a program to determine ways in which the weight of motor vehicles could be reduced to improve fuel efficiency without compromising passenger safety by conducting research, development, and demonstration relating to—

(1) the development of new materials (including cast metal composite materials formed by autocombustion synthesis) and material processes that yield a higher strength-to-weight ratio or other properties that reduce vehicle weight; and

(2) reducing the cost of—

(A) lightweight materials (including high-strength steel alloys, aluminum, magnesium, metal composites, and carbon fiber reinforced polymer composites) with the properties required for construction of lighter-weight vehicles; and

(B) materials processing, automated manufacturing, joining, and recycling lightweight materials for high-volume applications.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for the period of fiscal years 2008 through 2012.

SEC. 652. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; or

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under the demonstration program, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for the period of fiscal years 2009 through 2014.

SEC. 653. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

SEC. 654. 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.''.

SEC. 655. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) PRIZE COMPETITION.—A private source of funding may not participate in the competition for prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) ELIGIBILITY FOR PRIZES.—To be eligible to be awarded a prize under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(h) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(i) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

(j) BRIGHT TOMORROW LIGHTING AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Tomorrow Lighting permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

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

SEC. 656. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the ''Program''), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under this section, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(i) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should ensure that small businesses engaged in renewable manufacturing be given priority consideration for the assistance awards provided under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007''.

SEC. 702. CARBON CAPTURE AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) AMENDMENT.—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 SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION**'';

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and sequestration research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and sequestration technologies related to industrial sources of carbon dioxide'';

(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 geologic 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 SEQUESTRATION TECHNOLOGIES AND CARBON USE ACTIVITIES.—

''(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 sequester, or use carbon dioxide 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, the field testing of carbon sequestration, and carbon use activities, including—

''(i) development of new or advanced technologies for the capture and sequestration of carbon dioxide;

''(ii) development of new or advanced technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the sequestration of carbon dioxide;

''(iii) modeling and simulation of geologic sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

''(v) research and development of new and advanced technologies for carbon use, including recycling and reuse of carbon dioxide; and

''(vi) research and development of new and advanced technologies for the separation of oxygen from air.

''(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 geologic 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; and

''(vi) deep geologic systems containing basalt formations.

''(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 geologic formations;

''(iii) to refine sequestration capacity estimated for particular geologic formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geologic formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, carbon dioxide injection and sequestration in geologic formations;

''(vi) to assess and ensure the safety of operations related to geologic sequestration 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 sequestration that are funded by the Department of Energy; and

''(viii) to provide information to States, the Environmental Protection Agency, and other appropriate entities to support development of a regulatory framework for commercial-scale sequestration operations that ensure the protection of human health and the environment.

''(3) LARGE-SCALE CARBON DIOXIDE SEQUESTRATION TESTING.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-scale sequestration tests, not including the FutureGen project, for geologic containment of carbon dioxide to collect and validate information on the cost and feasibility of commercial deployment of technologies for geologic containment of carbon dioxide. These 7 tests may include any Regional Partnership projects awarded as of the date of enactment of the Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geologic 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 TESTS.—In the process of any acquisition of carbon dioxide for sequestration tests under subparagraph (A), the Secretary shall give preference to sources of carbon dioxide from industrial sources. To the extent feasible, the Secretary shall prefer tests that would facilitate the creation of an integrated system of capture, transportation and sequestration of carbon dioxide. 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 tons of carbon dioxide from industrial sources annually or a scale that demonstrates the ability to inject and sequester several million metric tons of industrial source carbon dioxide for a large number of years.

''(4) 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 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 3145 of title 40, United States Code.

''(5) 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).

''(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

''(A) conduct a review of programmatic activities carried out under this subsection; and

''(B) make recommendations with respect to continuation of the activities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $240,000,000 for fiscal year 2008;

''(2) $240,000,000 for fiscal year 2009;

''(3) $240,000,000 for fiscal year 2010;

''(4) $240,000,000 for fiscal year 2011; and

''(5) $240,000,000 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 sequestration research, development, and demonstration program.''.

SEC. 703. CARBON CAPTURE.

(a) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources. In making awards under this program, the Secretary shall select, as appropriate, a diversity of capture technologies to address the need to capture carbon dioxide from a range of industrial sources.

(2) SCOPE OF AWARD.—Awards under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide from industrial sources;

(B) provides for the transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) PREFERENCES FOR AWARD.—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 large-scale carbon dioxide sequestration tests described in section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle. These actions should not delay implementation of these tests. The Secretary shall give priority consideration to projects with the following characteristics:

(A) CAPACITY.—Projects that will capture a high percentage of the carbon dioxide in the treated stream and large volumes of carbon dioxide as determined by the Secretary.

(B) SEQUESTRATION.—Projects that capture carbon dioxide from industrial sources that are near suitable geological reservoirs and could continue sequestration including—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by this Act; or

(ii) other geologic sequestration projects approved by the Secretary.

(4) REQUIREMENT.—For projects that generate carbon dioxide that is to be sequestered, the carbon dioxide stream shall be of a sufficient purity level to allow for safe transport and sequestration.

(5) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) for research and development projects shall apply to this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 per year for fiscal years 2009 through 2013.

SEC. 704. REVIEW OF LARGE-SCALE PROGRAMS.

The Secretary 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) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and under section 703 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. 705. GEOLOGIC SEQUESTRATION TRAINING AND RESEARCH.

(a) STUDY.—

(1) IN GENERAL.—The Secretary 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 geologic sequestration science;

(C) develops guidelines for proposals from colleges and universities with substantial capabilities in the required disciplines that seek to implement geologic sequestration science programs that advance the Nation's capacity to address carbon management through geologic 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 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 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 geologic carbon sequestration science program; and

(B) internships for graduate students in geologic 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 GEOLOGIC CARBON SEQUESTRATION PARTNERSHIPS.—To the greatest extent possible, geologic carbon sequestration science programs supported under this subsection shall interface with the research of the Regional Carbon Sequestration Partnerships operated by the Department to provide internships and practical training in carbon capture and geologic 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. 706. RELATION TO SAFE DRINKING WATER ACT.

The injection and geologic sequestration of carbon dioxide pursuant to this subtitle and the amendments made by this subtitle shall be subject to the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), including the provisions of part C of such Act (42 U.S.C. 300h et seq.; relating to protection of underground sources of drinking water). Nothing in this subtitle and the amendments made by this subtitle imposes or authorizes the promulgation of any requirement that is inconsistent or in conflict with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or regulations thereunder.

SEC. 707. SAFETY RESEARCH.

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall conduct a research program to address public health, safety, and environmental impacts that may be associated with capture, injection, and sequestration of greenhouse gases in geologic reservoirs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $5,000,000 for each fiscal year.

SEC. 708. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, 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) RURAL AND AGRICULTURAL INSTITUTIONS.—The Secretary shall give special consideration to rural or agricultural based institutions in areas that have regional sources of coal and that offer interdisciplinary programs in the area of environmental science to study carbon capture and sequestration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated $10,000,000 to carry out this section.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

SEC. 711. CARBON DIOXIDE SEQUESTRATION CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of onshore capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a sequestration 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 sequestration.

(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) SEQUESTRATION FORMATION.—The term ''sequestration 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 sequestration formations in all States;

(2) the capacity of the potential sequestration formations;

(3) the injectivity of the potential sequestration formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and sequestration of industrial carbon dioxide in potential sequestration formations;

(5) the risk associated with the potential sequestration formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department.

(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 sequestration capacity of carbon dioxide in geological sequestration 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 sequestration of carbon dioxide in geological formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential sequestration 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 Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives 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.

SEC. 712. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term ''adaptation strategy'' means a land use and management strategy that can be used—

(A) to increase the sequestration capabilities of covered greenhouse gases of any ecosystem; or

(B) to reduce the emissions of covered greenhouse gases from any ecosystem.

(2) ASSESSMENT.—The term ''assessment'' means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term ''covered greenhouse gas'' means carbon dioxide, nitrous oxide, and methane gas.

(4) ECOSYSTEM.—The term ''ecosystem'' means any terrestrial, freshwater aquatic, or coastal ecosystem, including an estuary.

(5) NATIVE PLANT SPECIES.—The term ''native plant species'' means any noninvasive, naturally occurring plant species within an ecosystem.

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

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from ecosystems, including from mancaused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each ecosystem;

(2) estimate the potential for increasing carbon sequestration in natural and managed ecosystems through management activities or restoration activities in each ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each ecosystem;

(B) to reduce emissions of covered greenhouse gases from ecosystems; and

(C) to adapt to climate change; and

(4) estimate the annual carbon sequestration capacity of ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each ecosystem.

(e) CONSULTATION.—

(1) IN GENERAL.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of Agriculture;

(C) the Administrator of the Environmental Protection Agency;

(D) the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere; and

(E) the heads of other relevant agencies.

(2) OCEAN AND COASTAL ECOSYSTEMS.—In carrying out this section with respect to ocean and coastal ecosystems (including estuaries), the Secretary shall work jointly with the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, and quantifying covered greenhouse gas emissions and reductions;

(ii) estimate the total capacity of each ecosystem to sequester carbon; and

(iii) estimate the ability of each ecosystem to reduce emissions of covered greenhouse gases through management practices; and

(B) may employ economic and other systems models, analyses, and estimates, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of the carbon sequestration capacity of relevant ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2008 through 2012.

SEC. 713. CARBON DIOXIDE SEQUESTRATION INVENTORY.

Section 354 of the Energy Policy Act of 2005 (42 U.S.C. 15910) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) 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 quantity of carbon dioxide stored within Federal mineral leaseholds.''.

SEC. 714. FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.

(a) REPORT.—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 framework for managing geological carbon sequestration activities on public land.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Recommended criteria for identifying candidate geological sequestration sites in each of the following types of geological settings:

(A) Operating oil and gas fields.

(B) Depleted oil and gas fields.

(C) Unmineable coal seams.

(D) Deep saline formations.

(E) Deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity.

(F) Deep geological systems containing basalt formations.

(G) Coalbeds being used for methane recovery.

(2) A proposed regulatory framework for the leasing of public land or an interest in public land for the long-term geological sequestration of carbon dioxide, which includes an assessment of options to ensure that the United States receives fair market value for the use of public land or an interest in public land for geological sequestration.

(3) A proposed procedure for ensuring that any geological carbon sequestration activities on public land—

(A) provide for public review and comment from all interested persons; and

(B) protect the quality of natural and cultural resources of the public land overlaying a geological sequestration site.

(4) A description of the status of Federal leasehold or Federal mineral estate liability issues related to the geological subsurface trespass of or caused by carbon dioxide stored in public land, including any relevant experience from enhanced oil recovery using carbon dioxide on public land.

(5) Recommendations for additional legislation that may be required to ensure that public land management and leasing laws are adequate to accommodate the long-term geological sequestration of carbon dioxide.

(6) An identification of the legal and regulatory issues specific to carbon dioxide sequestration on land in cases in which title to mineral resources is held by the United States but title to the surface estate is not held by the United States.

(7)(A) An identification of the issues specific to the issuance of pipeline rights-of-way on public land under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for natural or anthropogenic carbon dioxide.

(B) Recommendations for additional legislation that may be required to clarify the appropriate framework for issuing rights-of-way for carbon dioxide pipelines on public land.

(c) CONSULTATION WITH OTHER AGENCIES.—In preparing the report under this section, the Secretary of the Interior shall coordinate with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy; and

(3) the heads of other appropriate agencies.

(d) COMPLIANCE WITH SAFE DRINKING WATER ACT.—The Secretary shall ensure that all recommendations developed under this section are in compliance with all Federal environmental laws, including the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and regulations under that Act.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

SEC. 801. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States during the 10-year period beginning on the date of enactment of this Act;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States during the 10-year period beginning on the date of enactment of this Act.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for—

(A) advertising costs, including—

(i) the purchase of media time and space;

(ii) creative and talent costs;

(iii) testing and evaluation of advertising; and

(iv) evaluation of the effectiveness of the media campaign; and

(B) administrative costs, including operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration of whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 802. ALASKA NATURAL GAS PIPELINE ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

''(h) ADMINISTRATION.—

''(1) PERSONNEL APPOINTMENTS.—

''(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

''(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(2) COMPENSATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

''(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

''(C) ALLOWANCES.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

''(3) TEMPORARY SERVICES.—

''(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

''(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

''(4) FEES, CHARGES, AND COMMISSIONS.—

''(A) IN GENERAL.—With respect to the duties of the Federal Coordinator, as described in this Act, the Federal Coordinator shall have similar authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.''.

SEC. 803. RENEWABLE ENERGY DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term ''Alaska small hydroelectric power'' means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term ''ocean energy'' includes current, wave, and tidal energy.

(B) EXCLUSION.—The term ''ocean energy'' excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

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

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section 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 sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

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

SEC. 804. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a refinery outage may nationally or regionally substantially affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any refinery outage that the Administrator determines may nationally or regionally substantially affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 805. ASSESSMENT OF RESOURCES.

(a) 5-YEAR PLAN.—

(1) ESTABLISHMENT.—The Administrator of the Energy Information Administration (referred to in this section as the ''Administrator'') 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.

(2) REQUIREMENT.—In establishing the plan under paragraph (1), the Administrator shall pay particular attention to—

(A) data series terminated because of budget constraints;

(B) data on demand response;

(C) timely data series of State-level information;

(D) improvements in the area of oil and gas data;

(E) improvements in data on solid byproducts from coal-based energy-producing facilities; and

(F) the ability to meet applicable deadlines under Federal law (including regulations) to provide data required by Congress.

(b) SUBMISSION TO CONGRESS.—The Administrator shall submit to Congress the plan established under subsection (a), including a description of any improvements needed to enhance the ability of the Administrator to collect and process energy information in a manner consistent with the needs of energy markets.

(c) GUIDELINES.—

(1) IN GENERAL.—The Administrator shall—

(A) 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;

(B) share company-level data collected at the State level with each State involved, in a manner consistent with the legal authorities, confidentiality protections, and stated uses in effect at the time the data were collected, subject to the condition that the State shall agree to reasonable requirements for use of the data, as the Administrator may require;

(C) assess any existing gaps in data obtained and compiled by the Energy Information Administration; and

(D) evaluate the most cost-effective ways to address any data quality and quantity issues in conjunction with State officials.

(2) CONSULTATION.—The Administrator shall consult with State officials and the Federal Energy Regulatory Commission on a regular basis in—

(A) establishing guidelines and determining the scope of State-level data under paragraph (1); and

(B) exploring ways to address data needs and serve data uses.

(d) ASSESSMENT OF STATE DATA NEEDS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress an assessment of State-level data needs, including a plan to address the needs.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to the Administrator, there are authorized to be appropriated to the Administrator to carry out this section—

(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.

SEC. 806. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

SEC. 807. GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall—

(1) complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(2) submit to the 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 results of the assessment.

(b) PERIODIC UPDATES.—At least once every 10 years, the Secretary shall update the national assessment required under this section to support public and private sector decisionmaking.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section—

(1) $15,000,000 for each of fiscal years 2008 through 2012; and

(2) such sums as are necessary for each of fiscal years 2013 through 2022.

Subtitle B—Prohibitions on Market Manipulation and False Information

SEC. 811. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 812. PROHIBITION ON FALSE INFORMATION.

It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) the person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 813. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This subtitle shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this subtitle shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 814. PENALTIES.

(a) CIVIL PENALTY.—In addition to any penalty applicable under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), any supplier that violates section 811 or 812 shall be punishable by a civil penalty of not more than $1,000,000.

(b) METHOD.—The penalties provided by subsection (a) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(1) each day of a continuing violation shall be considered a separate violation; and

(2) the court shall take into consideration, among other factors—

(A) the seriousness of the violation; and

(B) the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 815. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this subtitle limits or affects the authority of the Federal Trade Commission to bring an enforcement action or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) ANTITRUST LAW.—Nothing in this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term ''antitrust laws'' shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(c) STATE LAW.—Nothing in this subtitle preempts any State law.

TITLE IX—INTERNATIONAL ENERGY PROGRAMS

SEC. 901. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works of the Senate, and the Committee on Commerce, Science, and Transportation.

(2) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term ''clean and efficient energy technology'' means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a recipient country, will—

(A) reduce emissions of greenhouse gases; or

(B)(i) increase efficiency of energy production; or

(ii) decrease intensity of energy usage.

(3) 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—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

SEC. 911. 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 congressional 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. 912. 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 congressional 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. 913. 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 congressional 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. 914. ACTIONS BY OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) 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.

(b) 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. 915. 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) where appropriate, advance 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 or experience 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. 916. DEPLOYMENT OF INTERNATIONAL CLEAN AND EFFICIENT ENERGY TECHNOLOGIES AND INVESTMENT IN GLOBAL ENERGY MARKETS.

(a) TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Task Force on International Cooperation for Clean and Efficient Energy Technologies (in this section referred to as the ''Task Force'').

(2) COMPOSITION.—The Task Force shall be composed of representatives, appointed by the head of the respective Federal department or agency, of—

(A) the Council on Environmental Quality;

(B) the Department of Energy;

(C) the Department of Commerce;

(D) the Department of the Treasury;

(E) the Department of State;

(F) the Environmental Protection Agency;

(G) the United States Agency for International Development;

(H) the Export-Import Bank of the United States;

(I) the Overseas Private Investment Corporation:

(J) the Trade and Development Agency;

(K) the Small Business Administration;

(L) the Office of the United States Trade Representative; and

(M) other Federal departments and agencies, as determined by the President.

(3) CHAIRPERSON.—The President shall designate a Chairperson or Co-Chairpersons of the Task Force.

(4) DUTIES.—The Task Force—

(A) shall develop and assist in the implementation of the strategy required under subsection (c); and

(B)(i) shall analyze technology, policy, and market opportunities for the development, demonstration, and deployment of clean and efficient energy technologies on an international basis; and

(ii) shall examine relevant trade, tax, finance, international, and other policy issues to assess which policies, in the United States and in developing countries, would help open markets and improve the export of clean and efficient energy technologies from the United States.

(5) TERMINATION.—The Task Force, including any working group established by the Task Force pursuant to subsection (b), shall terminate 12 years after the date of the enactment of this Act.

(b) WORKING GROUPS.—

(1) ESTABLISHMENT.—The Task Force—

(A) shall establish an Interagency Working Group on the Export of Clean and Efficient Energy Technologies (in this section referred to as the ''Interagency Working Group''); and

(B) may establish other working groups as may be necessary to carry out this section.

(2) COMPOSITION.—The Interagency Working Group shall be composed of—

(A) the Secretary of Energy, the Secretary of Commerce, and the Secretary of State, who shall serve as Co-Chairpersons of the Interagency Working Group; and

(B) other members, as determined by the Chairperson or Co-Chairpersons of the Task Force.

(3) DUTIES.—The Interagency Working Group shall coordinate the resources and relevant programs of the Department of Energy, the Department of Commerce, the Department of State, and other relevant Federal departments and agencies to support the export of clean and efficient energy technologies developed or demonstrated in the United States to other countries and the deployment of such clean and efficient energy technologies in such other countries.

(4) INTERAGENCY CENTER.—The Interagency Working Group—

(A) shall establish an Interagency Center on the Export of Clean and Efficient Energy Technologies (in this section referred to as the ''Interagency Center'') to assist the Interagency Working Group in carrying out its duties required under paragraph (3); and

(B) shall locate the Interagency Center at a site agreed upon by the Co-Chairpersons of the Interagency Working Group, with the approval of Chairperson or Co-Chairpersons of the Task Force.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Task Force shall develop and submit to the President and the appropriate congressional committees a strategy to—

(A) support the development and implementation of programs, policies, and initiatives in developing countries to promote the adoption and deployment of clean and efficient energy technologies, with an emphasis on those developing countries that are expected to experience the most significant growth in energy production and use over the next 20 years;

(B) open and expand clean and efficient energy technology markets and facilitate the export of clean and efficient energy technologies to developing countries, in a manner consistent with United States obligations as member of the World Trade Organization;

(C) integrate into the foreign policy objectives of the United States the promotion of—

(i) the deployment of clean and efficient energy technologies and the reduction of greenhouse gas emissions in developing countries; and

(ii) the export of clean and efficient energy technologies; and

(D) develop financial mechanisms and instruments, including securities that mitigate the political and foreign exchange risks of uses that are consistent with the foreign policy objectives of the United States by combining the private sector market and government enhancements, that—

(i) are cost-effective; and

(ii) facilitate private capital investment in clean and efficient energy technology projects in developing countries.

(2) UPDATES.—Not later than 3 years after the date of submission of the strategy under paragraph (1), and every 3 years thereafter, the Task Force shall update the strategy in

accordance with the requirements of paragraph (1).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of submission of the strategy under subsection (c)(1), and every 3 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section for the prior 3-year period.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The update of the strategy required under subsection (c)(2) and a description of the actions taken by the Task Force to assist in the implementation of the strategy.

(B) A description of actions taken by the Task Force to carry out the duties required under subsection (a)(4)(B).

(C) A description of assistance provided under this section.

(D) The results of programs, projects, and activities carried out under this section.

(E) A description of priorities for promoting the diffusion and adoption of clean and efficient energy technologies and strategies in developing countries, taking into account economic and security interests of the United States and opportunities for the export of technology of the United States.

(F) Recommendations to the heads of appropriate Federal departments and agencies on methods to streamline Federal programs and policies to improve the role of such Federal departments and agencies in the development, demonstration, and deployment of clean and efficient energy technologies on an international basis.

(G) Strategies to integrate representatives of the private sector and other interested groups on the export and deployment of clean and efficient energy technologies.

(H) A description of programs to disseminate information to the private sector and the public on clean and efficient energy technologies and opportunities to transfer such clean and efficient energy technologies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2020.

SEC. 917. UNITED STATES-ISRAEL ENERGY COOPERATION.

(a) FINDINGS.—Congress finds that—

(1) it is in the highest national security interests of the United States to develop renewable energy sources;

(2) the State of Israel is a steadfast ally of the United States;

(3) the special relationship between the United States and Israel is manifested in a variety of cooperative scientific research and development programs, such as—

(A) the United States-Israel Binational Science Foundation; and

(B) the United States-Israel Binational Industrial Research and Development Foundation;

(4) those programs have made possible many scientific, technological, and commercial breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(5) on February 1, 1996, the Secretary of Energy (referred to in this section as the ''Secretary'') and the Israeli Minister of Energy and Infrastructure signed an agreement to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(6) Israeli scientists and engineers are at the forefront of research and development in the field of renewable energy sources; and

(7) enhanced cooperation between the United States and Israel for the purpose of research and development of renewable energy sources would be in the national interests of both countries.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—In implementing the agreement entitled 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'', dated February 1, 1996, the Secretary shall establish a grant program in accordance with the requirements of sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353) to support research, development, and commercialization of renewable energy or energy efficiency.

(2) TYPES OF ENERGY.—In carrying out paragraph (1), the Secretary may make grants to promote—

(A) solar energy;

(B) biomass energy;

(C) energy efficiency;

(D) wind energy;

(E) geothermal energy;

(F) wave and tidal energy; and

(G) advanced battery technology.

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of the applicant—

(A) addresses a requirement in the area of improved energy efficiency or renewable energy sources, as determined by the Secretary; and

(B) is a joint venture between—

(i)(I) a for-profit business entity, academic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board—

(i) to monitor the method by which grants are awarded under this subsection; and

(ii) to provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of 3 members, to be appointed by the Secretary, of whom—

(i) 1 shall be a representative of the Federal Government;

(ii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of the method by which the recipient used the grant funds; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(c) TERMINATION.—The grant program and the advisory committee established under this section terminate on the date that is 7 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use amounts authorized to be appropriated under section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) to carry out this section.

Subtitle B—International Clean Energy Foundation

SEC. 921. DEFINITIONS.

In this subtitle:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 922(c).

(2) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 922(b).

(3) FOUNDATION.—The term ''Foundation'' means the International Clean Energy Foundation established by section 922(a).

SEC. 922. 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 in accordance with subsection (c).

(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 whom—

(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. 923. 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 by giving preference to entities incorporated in the United States and whose technology will be substantially manufactured in the United States.

SEC. 924. 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 925(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. 925. 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 927(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. 926. 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. 927. 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 2009 through 2013.

(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).

Subtitle C—Miscellaneous Provisions

SEC. 931. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

(a) STATE DEPARTMENT COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—

(1) IN GENERAL.—The Secretary of State should ensure that energy security is integrated into the core mission of the Department of State.

(2) COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—There is established within the Office of the Secretary of State a Coordinator for International Energy Affairs, who shall be responsible for—

(A) representing the Secretary of State in interagency efforts to develop the international energy policy of the United States;

(B) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department of State;

(C) incorporating energy security priorities into the activities of the Department of State;

(D) coordinating energy activities of the Department of State with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions within the Department of State currently undertaken by offices within—

(i) the Bureau of Economic, Energy and Business Affairs;

(ii) the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) other offices within the Department of State.

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

(b) ENERGY EXPERTS IN KEY EMBASSIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(1) a description of the Department of State personnel who are dedicated to energy matters and are stationed at embassies and consulates in countries that are major energy producers or consumers;

(2) an analysis of the need for Federal energy specialist personnel in United States embassies and other United States diplomatic missions; and

(3) recommendations for increasing energy expertise within United States embassies among foreign service officers and options for assigning to such embassies energy attachés from the National Laboratories or other agencies within the Department of Energy.

(c) ENERGY ADVISORS.—The Secretary of Energy may make appropriate arrangements with the Secretary of State to assign personnel from the Department of Energy or the National Laboratories of the Department of Energy to serve as dedicated advisors on energy matters in embassies of the United States or other United States diplomatic missions.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 20 years, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

(1) the energy-related activities being conducted by the Department of State, including activities within—

(A) the Bureau of Economic, Energy and Business Affairs;

(B) the Bureau of Oceans and Environmental and Scientific Affairs; and

(C) other offices within the Department of State;

(2) the amount of funds spent on each activity within each office described in paragraph (1); and

(3) the number and qualification of personnel in each embassy (or relevant foreign posting) of the United States whose work is dedicated exclusively to energy matters.

SEC. 932. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) the Secretary of Energy;''.

SEC. 933. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 934. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) the Price-Anderson Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for nuclear incidents that are not covered by the Price-Anderson Act by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, the Price-Anderson Act, and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that does not—

(i) upset settled expectations based on the liability regime established under the Price-Anderson Act; or

(ii) shift to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under the Price-Anderson Act should be used; and

(J) with respect to a nuclear incident outside the United States not covered by the Price-Anderson Act, a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

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

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided under paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided under clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) SAVINGS PROVISION.—Nothing in this paragraph may be construed to limit, modify, extinguish, or otherwise affect any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor Executive Order or regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 935. 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) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to increase energy security by promoting anti-corruption initiatives in oil and natural gas rich countries; and

(2) to promote global energy security through promotion of programs such as the Extractive Industries Transparency Initiative (EITI) that seek to instill transparency and accountability into extractive industries resource payments.

(c) 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 EITI by eligible countries and companies; and

(2) promoting the efficacy of the EITI program by ensuring a robust and candid review mechanism.

(d) 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, in consultation with the Secretary of Energy, shall submit to the appropriate congressional committees 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 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.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for the purposes of United States contributions to the Multi-Donor Trust Fund of the EITI.

TITLE X—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 impacted by national energy and environmental policy;

''(II) individuals in need of updated training related to the energy efficiency and renewable energy industries;

''(III) veterans, or past and present members of reserve components of the Armed Forces;

''(IV) unemployed individuals;

''(V) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency; and

''(VI) formerly incarcerated, adjudicated, nonviolent offenders; and

''(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) encouraging the establishment of workforce training initiatives with respect to renewable energy and energy efficiency technologies;

''(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; and

''(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.

''(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit 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, qualified service and conservation corps, 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 individuals who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries; and

''(cc) the ability to help individuals 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 nonprofit 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 one-stop career centers, community based organizations, qualified service and conservation corps, 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 training and be actively involved in 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 paragraph (3)(A), 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 competitive grants of sufficient size 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 sufficiency standard for the local areas where the training is conducted that specifies, as defined by the State, or where such standard is not established, 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 nonprofit 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 a record of successful 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 link adult remedial education with occupational skills training; and

''(VI) demonstrate substantial experience in administering local, municipal, State, Federal, foundation, or private entity grants.

''(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 subparagraph (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) incumbent worker and career ladder training and skill upgrading and retraining;

''(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 subparagraphs (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 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 the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce 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 the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce 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 XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

SEC. 1101. OFFICE OF 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 inserting after subsection (f) the following:

''(g) OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.—

''(1) ESTABLISHMENT.—There is established in the Department an Office of 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 actions to address the impacts of climate change on transportation systems and infrastructure.

''(2) CLEARINGHOUSE.—The Office shall establish a clearinghouse of solutions, including cost-effective congestion reduction approaches, to reduce air pollution and transportation-related energy use and mitigate the effects of climate change.''.

(b) COORDINATION.—The Office of Climate Change and Environment of the Department of Transportation shall coordinate its activities with the United States Global Change Research Program.

(c) TRANSPORTATION SYSTEM'S IMPACT ON CLIMATE CHANGE AND FUEL EFFICIENCY.—

(1) STUDY.—The Office of Climate Change and Environment, in coordination with the Environmental Protection Agency and in consultation with the United States Global Change Research Program, shall conduct a study to examine the impact of the Nation's transportation system on climate change and the fuel efficiency savings and clean air impacts of major transportation projects, to identify solutions to reduce air pollution and transportation-related energy use and mitigate the effects of climate change, and to examine the potential fuel savings that could result from changes in the current transportation system and through the use of 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 systems, and traffic management systems.

(2) REPORT.—Not later than one year after the date of enactment of this Act, 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 and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that contains the results of the study required under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the Office of Climate Change and Environment to carry out its duties under section 102(g) of title 49, United States Code (as amended by this Act), such sums as may be necessary for fiscal years 2008 through 2011.

Subtitle B—Railroads

SEC. 1111. ADVANCED TECHNOLOGY LOCOMOTIVE GRANT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, in consultation 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 or other energy-efficient locomotives, including hybrid switch and generator-set 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 law.

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary of Transportation 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 or other energy-efficient 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 of Transportation an application for the grant containing such information as the Secretary of Transportation may require.

(2) COMPETITIVE SELECTION.—The Secretary of Transportation 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 80 percent of the project cost.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation 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 of Transportation $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. 1112. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

''CHAPTER 223—CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS

''Sec.
''22301. Capital grants for class II and class III railroads.

''§ 22301. Capital grants for class II and class III railroads

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making capital grants to class II and class III railroads. Such grants shall be for projects in the public interest that—

''(A)(i) rehabilitate, preserve, or improve railroad track (including roadbed, bridges, and related track structures) used primarily for freight transportation;

''(ii) facilitate the continued or greater use of railroad transportation for freight shipments; and

''(iii) reduce the use of less fuel efficient modes of transportation in the transportation of such shipments; and

''(B) demonstrate innovative technologies and advanced research and development that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation.

''(2) PROVISION OF GRANTS.—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.

''(3) 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.

''(4) 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) 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.

''(d) 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.

''(e) 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.

''(f) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $50,000,000 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 CLASS II AND CLASS III RAILROADS ..... 22301''.

Subtitle C—Marine Transportation

SEC. 1121. 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. Interagency coordination.
''Sec. 55604. Research on short sea transportation.
''Sec. 55605. 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 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. 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.

"§ 55604. 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) solutions to impediments to short sea transportation projects designated under section 55601.

"§ 55605. 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 either at another port in the United States or at 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 90 days after the date of enactment of this Act, 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 of Transportation shall issue final regulations to implement the program under this section.

SEC. 1122. 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 either at another port in the United States or at 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. 1123. SHORT SEA TRANSPORTATION 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 1121. 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 of Transportation considers appropriate.

Subtitle D—Highways

SEC. 1131. 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 not less than 80 percent and, at the discretion of the State, may be up to 100 percent of the cost thereof.''.

SEC. 1132. 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 in fiscal year 2008 or fiscal year 2009 shall be distributed by the Secretary of Transportation 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) ADJUSTMENTS.—A State may make adjustments to the distribution of a rescission within the State for a fiscal year under subsection (a) by transferring the amounts to be rescinded among the programs for which funds are apportioned under chapter 1 of title 23, United States Code, for such fiscal year, except that in making such adjustments the State may not rescind from any such program more than 110 percent of the funds to be rescinded from the program for the fiscal year as determined by the Secretary of Transportation under subsection (a).

(c) 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. 1133. 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 consider 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.

TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

SEC. 1201. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'biomass'—

''(aa) means any organic material that is available on a renewable or recurring basis, including—

''(AA) agricultural crops;

''(BB) trees grown for energy production;

''(CC) wood waste and wood residues;

''(DD) plants (including aquatic plants and grasses);

''(EE) residues;

''(FF) fibers;

''(GG) animal wastes and other waste materials; and

''(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

''(bb) does not include—

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

''(BB) unsegregated solid waste;

''(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(III) the term 'renewable energy system' means a system of energy derived from—

''(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

''(ii) LOANS.—The Administrator may make a loan under the Express Loan Program for the purpose of—

''(I) purchasing a renewable energy system; or

''(II) carrying out an energy efficiency project for a small business concern.''.

SEC. 1202. PILOT PROGRAM FOR REDUCED 7(a) FEES 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:

''(32) LOANS FOR ENERGY EFFICIENT TECHNOLOGIES.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

''(ii) the term 'covered energy efficiency loan' means a loan—

''(I) made under this subsection; and

''(II) the proceeds of which are used to purchase energy efficient designs, equipment, or fixtures, or to reduce the energy consumption of the borrower by 10 percent or more; and

''(iii) the term 'pilot program' means the pilot program established under subparagraph (B)

''(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for covered energy efficiency loans.

''(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

''(D) MAXIMUM PARTICIPATION.—A covered energy efficiency loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

''(E) FEES.—

''(i) IN GENERAL.—The fee on a covered energy efficiency loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

''(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

''(I) for the fiscal year before that fiscal year, the annual rate of default of covered energy efficiency loans exceeds that of loans made under this subsection that are not covered energy efficiency loans;

''(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making covered energy efficiency loans; and

''(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

''(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

''(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

''(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

''(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not covered energy efficiency loans as a direct result of the pilot program.

''(F) GAO REPORT.—

''(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

''(ii) CONTENTS.—The report submitted under clause (i) shall include—

''(I) the number of covered energy efficiency loans for which fees were reduced under the pilot program;

''(II) a description of the energy efficiency savings with the pilot program;

''(III) a description of the impact of the pilot program on the program under this subsection;

''(IV) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

''(V) recommendations for improving the pilot program.''.

SEC. 1203. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''association'' means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term ''disability'' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term ''Efficiency Program'' means the Small Business Energy Efficiency Program established under subsection (c)(1);

(5) the term ''electric utility'' has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(6) the term ''high performance green building'' has the meaning given that term in section 401;

(7) the term ''on-bill financing'' means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(8) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(10) the term ''telecommuting'' means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute;

(11) the term ''Telecommuting Pilot Program'' means the pilot program established under subsection (d)(1)(A); and

(12) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PROGRAM REQUIRED.—The Administrator shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business program, to assist small business concerns in—

(A) becoming more energy efficient;

(B) understanding the cost savings from improved energy efficiency; and

(C) identifying financing options for energy efficiency upgrades.

(3) CONSULTATION AND COOPERATION.—The program required by paragraph (2) shall be developed and coordinated—

(A) in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency; and

(B) in cooperation with any entities the Administrator considers appropriate, such as industry trade associations, industry members, and energy efficiency organizations.

(4) AVAILABILITY OF INFORMATION.—The Administrator shall make available the information and materials developed under the program required by paragraph (2) to—

(A) small business concerns, including smaller design, engineering, and construction firms; and

(B) other Federal programs for energy efficiency, such as the Energy Star for Small Business program.

(5) STRATEGY AND REPORT.—

(A) STRATEGY REQUIRED.—The Administrator shall develop a strategy to educate, encourage, and assist small business concerns in adopting energy efficient building fixtures and equipment.

(B) REPORT.—Not later than December 31, 2008, the Administrator shall submit to Congress a report containing a plan to implement the strategy developed under subparagraph (A).

(c) SMALL BUSINESS SUSTAINABILITY INITIATIVE.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Program to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish;

(v) to the extent not inconsistent with controlling State public utility regulations, act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements;

(vi) provide necessary support to small business concerns to—

(I) evaluate energy efficiency opportunities and opportunities to design or construct high performance green buildings;

(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 design or construct high performance green buildings; and

(IV) implement energy efficiency projects;

(vii) assist owners of small business concerns with the development and commercialization of clean technology products, goods, services, and processes that use renewable energy sources, dramatically reduce the use of natural resources, and cut or eliminate greenhouse gas emissions through—

(I) technology assessment;

(II) intellectual property;

(III) Small Business Innovation Research submissions under section 9 of the Small Business Act (15 U.S.C. 638);

(IV) strategic alliances;

(V) business model development; and

(VI) preparation for investors; and

(viii) help small business concerns improve environmental performance by shifting to less hazardous materials and reducing waste and emissions, including by providing assistance for small business concerns to adapt the materials they use, the processes they operate, and the products and services they produce.

(B) REPORTS.—Each small business development center participating in the Efficiency Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—From among small business development centers submitting applications to participate in the Efficiency Program, the Administrator—

(A) shall, to the maximum extent practicable, select small business development centers in such a manner so as to promote a nationwide distribution of centers participating in the Efficiency Program; and

(B) may not select more than 1 small business development center in a State to participate in the Efficiency Program.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Program, initiate an evaluation of that program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—To the extent not inconsistent with State law, the Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) IMPLEMENTATION.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to make grants and enter into cooperative agreements to carry out this subsection.

(11) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—The Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees.

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the

Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

''(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section relating to SBIR and STTR solicitations by Federal departments and agencies, the Administrator shall—

''(A) ensure that such departments and agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

''(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

''(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal departments and agencies in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this subsection.

''(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this subsection.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'biomass'—

''(i) means any organic material that is available on a renewable or recurring basis, including—

''(I) agricultural crops;

''(II) trees grown for energy production;

''(III) wood waste and wood residues;

''(IV) plants (including aquatic plants and grasses);

''(V) residues;

''(VI) fibers;

''(VII) animal wastes and other waste materials; and

''(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

''(ii) does not include—

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

''(II) unsegregated solid waste;

''(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(C) the term 'renewable energy system' means a system of energy derived from—

''(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(ii) hydrogen derived from biomass or water using an energy source described in clause (i).''.

SEC. 1204. 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;

(3) by inserting after subparagraph (H) the following:

''(I) reduction of energy consumption by at least 10 percent,

''(J) increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of non-renewable resources and minimize environmental impact, or

''(K) plant, equipment and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers.''; and

(4) by adding at the end the following: ''In subparagraphs (J) and (K), terms have the meanings given those terms under the Leadership in Energy and Environmental Design (LEED) standard for green building certification, as determined by the Administrator.''.

(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:

''(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. 1205. ENERGY SAVING DEBENTURES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

''(k) ENERGY SAVING DEBENTURES.—In addition to any other authority under this Act, a small business investment company licensed in the first fiscal year after the date of enactment of this subsection or any fiscal year thereafter may issue Energy Saving debentures.''.

(b) DEFINITIONS.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (16), by striking ''and'' at the end;

(2) in paragraph (17), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(18) the term 'Energy Saving debenture' means a deferred interest debenture that—

''(A) is issued at a discount;

''(B) has a 5-year maturity or a 10-year maturity;

''(C) requires no interest payment or annual charge for the first 5 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; and

''(19) the term 'Energy Saving qualified investment' means investment in a small business concern 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. 1206. INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.

(a) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(2)) is amended by adding at the end the following:

''(D) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

''(i) IN GENERAL.—Subject to clause (ii), in calculating the outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

''(ii) LIMITATIONS.—

''(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

''(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

''(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.''.

(b) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(4)) is amended by adding at the end the following:

''(E) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

''(i) IN GENERAL.—Subject to clause (ii), in calculating the aggregate outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

''(ii) LIMITATIONS.—

''(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

''(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

''(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.''.

SEC. 1207. 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:

''PART C—RENEWABLE FUEL CAPITAL INVESTMENT PILOT PROGRAM

''SEC. 381. DEFINITIONS.

''In this part:

''(1) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

''(2) 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 operating plan and investment criteria of the company; and

''(B) requires the company to make investments in smaller enterprises primarily engaged in researching, manufacturing, developing, producing, or bringing to market goods, products, or services that generate or support the production of renewable energy.

''(3) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from resources that are regenerative or that cannot be depleted, including solar, wind, ethanol, and biodiesel fuels.

''(4) RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.—The term 'Renewable Fuel Capital Investment company' means a company—

''(A) that—

''(i) has been granted final approval by the Administrator under section 384(e); and

''(ii) has entered into a participation agreement with the Administrator; or

''(B) that has received conditional approval under section 384(c).

''(5) STATE.—The term 'State' means each 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.

''(6) VENTURE CAPITAL.—The term 'venture capital' means capital in the form of equity capital investments, as that term is defined in section 303(g)(4).

''SEC. 382. PURPOSES.

''The purposes of the Renewable Fuel Capital Investment Program established under this part are—

''(1) to promote the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy 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 smaller enterprises engaged in researching, developing, manufacturing, producing, and bringing to market goods, products, or services that generate or support the production of renewable energy, 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, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy; 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.

''The Administrator shall establish a Renewable Fuel Capital Investment Program, under which the Administrator may—

''(1) enter into participation agreements for the purposes described 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 is eligible to apply to be designated as a Renewable Fuel Capital Investment company if the company—

''(1) is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

''(2) has a management team with experience in alternative energy financing or relevant venture capital financing; and

''(3) has a primary objective of investment in smaller enterprises that research, manufacture, develop, produce, or bring to market goods, products, or services that generate or support the production of renewable energy.

''(b) APPLICATION.—A company desiring to be designated as a Renewable Fuel Capital Investment company 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 enterprises primarily engaged in the research, manufacture, development, production, or bringing to market of goods, products, or services that generate or support the production of renewable energy;

''(2) information regarding the relevant venture capital qualifications and general reputation of the management of the company;

''(3) a description of how the company intends to seek to address the unmet capital needs of the smaller enterprises 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 has employees with appropriate professional licenses or will contract with another entity when the services of such an individual are necessary;

''(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 whether and to what extent the company meets the criteria under subsection (c)(2) and 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 business plan of the company; 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 conditionally approve companies to operate as Renewable Fuel Capital Investment companies.

''(2) SELECTION CRITERIA.—In conditionally approving companies under paragraph (1), the Administrator shall consider—

''(A) the likelihood that the company will meet the goal of its business plan;

''(B) the experience and background of the management team of the company;

''(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 proposal by the company to provide operational assistance under this part as the proposal relates to the ability of the company to meet applicable cash requirements and properly use in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by employees or contractors; and

''(H) any other factor determined appropriate by the Administrator.

''(3) NATIONWIDE DISTRIBUTION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria under paragraph (2) and shall, to the maximum extent practicable, approve at least one company from each geographic region of the Administration.

''(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—

''(1) IN GENERAL.—The Administrator shall grant each conditionally approved company 2 years to satisfy the requirements of this subsection.

''(2) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $3,000,000 of private capital or binding capital commitments from 1 or more investors (which shall not be departments or agencies of the Federal Government) who meet criteria established by the Administrator.

''(3) 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 shall have binding commitments (for contribution in cash or in-kind)—

''(i) from sources other than the Administration that meet criteria established by the Administrator; and

''(ii) payable or available over a multiyear period determined appropriate by the Administrator (not to exceed 10 years).

''(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.—The total amount of a in-kind contributions by a company shall be not more than 50 percent of the total contributions by a company.

''(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved under subsection (c)—

''(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 paragraph (1) of 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 determines appropriate, except that—

''(1) the term of any debenture guaranteed under this section shall not exceed 15 years; and

''(2) a debenture guaranteed under this section—

''(A) shall carry no front-end or annual fees;

''(B) shall be issued at a discount;

''(C) shall require no interest payments during the 5-year period beginning on the date the debenture is issued;

''(D) shall be prepayable without penalty after the end of the 1-year period beginning on the date the debenture is issued; and

''(E) shall require semiannual interest payments after the period described in subparagraph (C).

''(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 a department or agency 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 determines 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.—If 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.—If 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, not withstanding 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 determines appropriate with respect to any guarantee or grant issued under this part, in an amount established annually by the Administrator, 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 part, which amounts shall be paid to and retained by the Administration.

''(b) OFFSET.—The Administrator may, as provided by section 388, offset fees charged 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 1 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 determines appropriate.

''SEC. 389. OPERATIONAL ASSISTANCE GRANTS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—The Administrator may make grants to Renewable Fuel Capital Investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

''(2) TERMS.—A grant 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) GRANT AMOUNT.—The amount of a grant made under this subsection to a Renewable Fuel Capital Investment company shall be equal to the lesser of—

''(A) 10 percent of the resources (in cash or in kind) raised by the company under section 384(d)(2); or

''(B) $1,000,000.

''(4) 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 (3), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

''(5) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), upon the request of a company conditionally approved under section 384(c), the Administrator shall make a grant to the company under this subsection.

''(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under this paragraph and does not enter into a participation agreement for final approval, the company shall, subject to controlling Federal law, repay the amount of the grant to the Administrator.

''(C) DEDUCTION OF GRANT TO APPROVED COMPANY.—If a company receives a grant under this paragraph and receives final approval under section 384(e), the Administrator shall deduct the amount of the grant from the total grant amount the company receives for operational assistance.

''(D) AMOUNT OF GRANT.—No company may receive a grant of more than $100,000 under this 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.

''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.

''Notwithstanding section 318, the Federal Financing Bank may acquire a 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 makes, under this part, 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 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 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 and an officer, director, employee, agent, or other participant in the management or conduct of the affairs of a Renewable Fuel Capital Investment company shall be subject to the requirements of such sections.

''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 the Administrator determines necessary to carry out the provisions of this part in accordance with its purposes.

''SEC. 397. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator is authorized to make $15,000,000 in operational assistance grants under section 389 for each of fiscal years 2008 and 2009.

''(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. 398. TERMINATION.

''The program under this part shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the program under this part.''.

SEC. 1208. STUDY AND REPORT.

The Administrator of the Small Business Administration 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, as added by this Act. Not later than 3 years after the date of enactment of this Act, the Administrator shall complete the study under this section and submit to Congress a report regarding the results of the study.

TITLE XIII—SMART GRID

SEC. 1301. STATEMENT OF POLICY ON MODERNIZATION OF ELECTRICITY GRID.

It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to maintain a reliable and secure electricity infrastructure that can meet future demand growth and to achieve each of the following, which together characterize a Smart Grid:

(1) Increased use of digital information and controls technology to improve 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, including renewable resources.

(4) Development and incorporation of demand response, demand-side resources, and energy-efficiency resources.

(5) Deployment of ''smart'' technologies (real-time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices) for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of ''smart'' appliances and consumer devices.

(7) Deployment and integration of advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air conditioning.

(8) Provision to consumers of timely information and control options.

(9) Development of standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid.

(10) Identification and lowering of unreasonable or unnecessary barriers to adoption of smart grid technologies, practices, and services.

SEC. 1302. SMART GRID SYSTEM REPORT.

The Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the ''OEDER'') and through the Smart Grid Task Force established in section 1303, shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, and every two years thereafter, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment. The report shall provide the current status and prospects of smart grid development, including information on technology penetration, communications network capabilities, costs, and obstacles. It may include recommendations for State and Federal policies or actions helpful to facilitate the transition to a smart grid. To the extent appropriate, it should take a regional perspective. In preparing this report, the Secretary shall solicit advice and contributions from the Smart Grid Advisory Committee created in section 1303; from other involved Federal agencies including but not limited to the Federal Energy Regulatory Commission (''Commission''), the National Institute of Standards and Technology (''Institute''), and the Department of Homeland Security; and from other stakeholder groups not already represented on the Smart Grid Advisory Committee.

SEC. 1303. SMART GRID ADVISORY COMMITTEE AND SMART GRID TASK FORCE.

(a) SMART GRID ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish, within 90 days of enactment of this Part, a Smart Grid Advisory Committee (either as an independent entity or as a designated sub-part of a larger advisory committee on electricity matters). The Smart Grid Advisory Committee shall include eight or more members appointed by the Secretary who have sufficient experience and expertise to represent the full range of smart grid technologies and services, to represent both private and non-Federal public sector stakeholders. One member shall be appointed by the Secretary to Chair the Smart Grid Advisory Committee.

(2) MISSION.—The mission of the Smart Grid Advisory Committee shall be to advise the Secretary, the Assistant Secretary, and other relevant Federal officials concerning the development of smart grid technologies, the progress of a national transition to the use of smart-grid technologies and services, the evolution of widely-accepted technical and practical standards and protocols to allow interoperability and inter-communication among smart-grid capable devices, and the optimum means of using Federal incentive authority to encourage such progress.

(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Smart Grid Advisory Committee.

(b) SMART GRID TASK FORCE.—

(1) ESTABLISHMENT.—The Assistant Secretary of the Office of Electricity Delivery and Energy Reliability shall establish, within 90 days of enactment of this Part, a Smart Grid Task Force composed of designated employees from the various divisions of that office who have responsibilities related to the transition to smart-grid technologies and practices. The Assistant Secretary or his designee shall be identified as the Director of the Smart Grid Task Force. The Chairman of the Federal Energy Regulatory Commission and the Director of the National Institute of Standards and Technology shall each designate at least one employee to participate on the Smart Grid Task Force. Other members may come from other agencies at the invitation of the Assistant Secretary or the nomination of the head of such other agency. The Smart Grid Task Force shall, without disrupting the work of the Divisions or Offices from which its members are drawn, provide an identifiable Federal entity to embody the Federal role in the national transition toward development and use of smart grid technologies.

(2) MISSION.—The mission of the Smart Grid Task Force shall be to insure awareness, coordination and integration of the diverse activities of the Office and elsewhere in the Federal government related to smart-grid technologies and practices, including but not limited to: smart grid research and

development; development of widely accepted smart-grid standards and protocols; the relationship of smart-grid technologies and practices to electric utility regulation; the relationship of smart-grid technologies and practices to infrastructure development, system reliability and security; and the relationship of smart-grid technologies and practices to other facets of electricity supply, demand, transmission, distribution, and policy. The Smart Grid Task Force shall collaborate with the Smart Grid Advisory Committee and other Federal agencies and offices. The Smart Grid Task Force shall meet at the call of its Director as necessary to accomplish its mission.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section such sums as are necessary to the Secretary to support the operations of the Smart Grid Advisory Committee and Smart Grid Task Force for each of fiscal years 2008 through 2020.

SEC. 1304. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies, including those concerning communications network capabilities, in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to identify communications network capacity needed to implement advanced technologies.

(6) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(7) to develop algorithms for use in electric transmission system software applications;

(8) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(9) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the ''Initiative'') composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(D) INELIGIBILITY FOR GRANTS.—No person or entity participating in any demonstration project conducted under this subsection shall be eligible for grants under section 1306 for otherwise qualifying investments made as part of that demonstration project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(2) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 1305. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Director of the National Institute of Standards and Technology shall have primary responsibility to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems. Such protocols and standards shall further align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network. In developing such protocols and standards—

(1) the Director shall seek input and cooperation from the Commission, OEDER and its Smart Grid Task Force, the Smart Grid Advisory Committee, other relevant Federal and State agencies; and

(2) the Director shall also solicit input and cooperation from private entities interested in such protocols and standards, including but not limited to 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.

(b) SCOPE OF FRAMEWORK.—The framework developed under subsection (a) shall be flexible, uniform and technology neutral, including but not limited to technologies for managing smart grid information, and designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations;

(3) to consider the use of voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and Federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid; and

(4) such voluntary standards should incorporate appropriate manufacturer lead time.

(c) TIMING OF FRAMEWORK DEVELOPMENT.—The Institute shall begin work pursuant to this section within 60 days of enactment. The Institute shall provide and publish an initial report on progress toward recommended or consensus standards and protocols within one year after enactment, further reports at such times as developments warrant in the judgment of the Institute, and a final report when the Institute determines that the work is completed or that a Federal role is no longer necessary.

(d) STANDARDS FOR INTEROPERABILITY IN FEDERAL JURISDICTION.—At any time after the Institute's work has led to sufficient consensus in the Commission's judgment, the Commission shall institute a rulemaking proceeding to adopt such standards and protocols as may be necessary to insure smart-grid functionality and interoperability in interstate transmission of electric power, and regional and wholesale electricity markets.

(e) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section $5,000,000 to the Institute to support the activities required by this subsection for each of fiscal years 2008 through 2012.

SEC. 1306. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.

(a) MATCHING FUND.—The Secretary shall establish a Smart Grid Investment Matching Grant Program to provide reimbursement of one-fifth (20 percent) 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 et seq.), 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 or retail distributor or marketer of electricity that are capable of engaging in Smart Grid functions, the documented expenditures incurred by the electric utility, distributor, or marketer 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 (but not the costs of electricity storage for the vehicle).

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary 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) Investments or expenditures for Smart Grid technologies, devices, or equipment that are eligible for specific tax credits or deductions under the Internal Revenue Code, as amended.

(2) Expenditures for electricity generation, transmission, or distribution infrastructure or equipment not directly related to enabling Smart Grid functions.

(3) After the final date for State consideration of the Smart Grid Information Standard under section 1307 (paragraph (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978), an investment that is not in compliance with such standard.

(4) After the development and publication by the Institute 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.

(5) Expenditures for physical interconnection of generators or other devices to the grid except those that are directly related to enabling Smart Grid functions.

(6) Expenditures for ongoing salaries, benefits, or personnel costs not incurred in the initial installation, training, or start up of smart grid functions.

(7) Expenditures for travel, lodging, meals or other personal costs.

(8) Ongoing or routine operation, billing, customer relations, security, and maintenance expenditures.

(9) Such other expenditures that the Secretary 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 of 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 may identify as being necessary or useful to the operation of a Smart Grid.

(e) The Secretary shall—

(1) establish and publish in the Federal Register, within one year after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fifth of their documented expenditures;

(2) establish procedures to ensure 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;

(3) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

(4) 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; and

(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the administration of this section and the grants to be made pursuant to this section for fiscal years 2008 through 2012.

SEC. 1307. STATE CONSIDERATION OF SMART GRID.

(a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) CONSIDERATION OF SMART GRID INVESTMENTS.—

''(A) IN GENERAL.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

''(i) total costs;

''(ii) cost-effectiveness;

''(iii) improved reliability;

''(iv) security;

''(v) system performance; and

''(vi) societal benefit.

''(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

''(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

''(17) SMART GRID INFORMATION.—

''(A) STANDARD.—All electricity purchasers shall be provided direct access, in written or electronic machine-readable form as appropriate, to information from their electricity provider as provided in subparagraph (B).

''(B) INFORMATION.—Information provided under this section, to the extent practicable, 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 persons shall be provided annually

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 associated with each type of generation, for intervals during which such information is available on a cost-effective basis.

''(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) 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, 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 (17) through (18) of section 111(d).

''(B) Not later than 2 years after the date of the enactment of the this paragraph, 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 (17) through (18) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) 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 the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended by inserting ''and paragraphs (17) through (18)'' before ''of section 111(d)''.

SEC. 1308. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SEC. 1309. DOE STUDY OF SECURITY ATTRIBUTES OF SMART GRID SYSTEMS.

(a) DOE STUDY.—The Secretary shall, within 18 months after the date of enactment 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 nationwide, interoperable emergency communications and control of the Nation's electricity system during times of localized, regional, or nationwide emergency.

(4) What risks must be taken into account that smart grid systems may, if not carefully created and managed, create vulnerability to security threats of any sort, and how such risks may be mitigated.

(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. 824o) as added by section 1211 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 941).

TITLE XIV—RENEWABLE ELECTRICITY STANDARD

SEC. 1401. RENEWABLE ELECTRICITY 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. RENEWABLE ELECTRICITY STANDARD.

''(a) DEFINITIONS.—For purposes of this section:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means each of the following:

''(i) Cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy.

''(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) Animal waste or animal byproducts.

''(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, wind, ocean, tidal, geothermal energy, biomass, landfill gas, incremental hydropower, or hydrokinetic energy.

''(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;

''(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: or

''(C) the portion of the electric generation from a facility placed in service on or after January 1, 2001, or a modification to a facility placed in service before the date of enactment of this section made on or after January 1, 2001, associated with cofiring biomass.

''(10) RETAIL ELECTRIC SUPPLIER.—(A) 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. For purposes of this section, a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less that 1,000,000 megawatt hours of electric energy to consumers for purposes other than resale shall qualify as a retail electric supplier. For purposes of this paragraph, sales by any person to a parent company or to other affiliates of such person shall not be treated as sales to electric consumers.

''(B) 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, except that a political subdivision of a State, or an agency, authority or instrumentality of the United States, a State or a political subdivision of a State, or a rural electric cooperative that sells electric energy to electric consumers or any other entity that sells electric energy to electric consumers that would not otherwise qualify as a retail electric supplier shall be deemed a retail electric supplier if such entity notifies the Secretary that it voluntarily agrees to participate in the Federal renewable electricity standard program.

''(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. Energy efficiency credits may only be used for compliance in a State where the Governor has petitioned the Secretary pursuant to subjection (i)(2).

''(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 FEDERAL RENEWABLE ENERGY 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 no larger than one megawatt in capacity 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) In the case of an on-site eligible facility on Indian land no more than 3 credits per kilowatt hour may be issued.

''(F) 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.

''(G) 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.

''(H) 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 at one credit per kilowatt hour for the purpose of subsection (b)(2) based on the amount of electric energy generation from renewable resources and electricity savings up to 27 percent of the utility's requirement 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, exchanged, or transferred for the purpose of compliance by another retail electric supplier.

''(g) RENEWABLE ENERGY CREDIT TRADING.—(1) 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.

''(2) A Federally owned or cooperatively owned utility, or a State or subdivision thereof, that is not a retail electric supplier that generates electric energy by the use of a renewable energy resource at an eligible facility may only sell, transfer or exchange a Federal renewable energy credit to a cooperatively owned utility or an agency, authority or instrumentality of a State or political

subdivision of a State that is a retail electric supplier that has acquired the electric energy associated with the credit.

''(3) The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market and a nation energy efficiency credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits and a transparent national market for the sale or trade of Federal energy efficiency credits.

''(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 and Federal energy efficiency 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 and Federal energy efficiency 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 and Federal energy efficiency credits by submitting an equivalent number of Federal renewable energy credits and Federal energy efficiency 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 and Federal energy efficiency 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) DEFINITIONS.—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) in 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 during the base years;

''(iii) the output of new combined heat and power systems, to the extent provided under paragraph (5); and

''(iv) recycled energy savings.

''(C) QUALIFYING ELECTRICITY 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 27 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) Upon petition by the Governor, the Secretary shall issue energy efficiency credits for electricity savings described in subparagraph (B) achieved 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 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 retail electric supplier has waived any entitlement to the credit).

''(4) MEASUREMENT AND VERIFICATION OF ELECTRICITY 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.

''(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 the lesser of:

''(1) 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period; or

''(2) 2.5 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 submitted by a retail electric supplier pursuant to subsection (b)(2);

''(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 retail 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 electricity 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) There is established in the Treasury a State renewable energy and energy efficiency 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 electricity 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 electricity 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.

TITLE XV—CLEAN RENEWABLE ENERGY AND CONSERVATION TAX ACT OF 2007

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Clean Renewable Energy and Conservation Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title 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.

Subtitle A—Clean Renewable Energy Production Incentives

PART I—PROVISIONS RELATING TO RENEWABLE ENERGY

SEC. 1501. 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 prelimitation credit for 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 prelimitation credit 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.

''(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

''(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 APPLICABLE PERCENTAGES.—The applicable 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 greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, 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—

''(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

''(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

''(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

''(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

''(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

''(I) which a qualified facility will require for utilization of such facility, and

''(II) which is not a qualified facility.

''(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

''(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.

''(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar 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. 1502. 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. 1503. 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''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine 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) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 (relating to energy credit; reforestation credit) is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(C) the energy efficiency percentage of which exceeds 60 percent, and

''(D) which is placed in service before January 1, 2017.

''(2) LIMITATION.—

''(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(3) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the lower heating value of the fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(A) paragraph (1)(C) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) 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).

(f) CLERICAL AMENDMENTS.—Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(g) 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) COMBINED HEAT AND POWER AND FUEL CELL 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).

(4) PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsection (e) 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. 1504. 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, 2014''.

(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) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) 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''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenditures after December 31, 2007.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—The amendments made by subsection (d) 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 (d)(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.

SEC. 1505. 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 inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(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 person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)).''.

(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 amendments 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. 1506. 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 70 percent of 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 reasonably expected to result in an amount not greater than an amount necessary to repay the issue, 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 be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue does not exceed 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, governmental bodies, 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) 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 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ 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 paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(c) 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, a governmental body, 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) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) 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).

''(5) 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.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a governmental body, 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) 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).

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—PROVISIONS RELATING TO CARBON MITIGATION AND COAL

SEC. 1507. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) (relating to qualifying advanced coal project credit) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following the paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clauses (iii) or (iv) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) (relating to aggregate credits) is amended by striking ''$1,300,000,000'' and inserting ''$2,800,000,000''.

(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) $1,000,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii), and

''(iv) $500,000,000 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)(A) 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)(A) 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.—

(A) IN GENERAL.—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 subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(3) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

''(h) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

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

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A (relating to qualifying advanced coal project credit), as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

''(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 1508. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) CREDIT RATE.—Section 48B(a) (relating to qualifying gasification project credit) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) (relating to qualifying gasification project program) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $500,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such a project's total carbon dioxide emissions,

under rules similar to the rules of section 48A(d)(4).''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B (relating to qualifying gasification project credit) is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) (relating to qualifying gasification project program) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 1509. SEVEN-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED CARBON DIOXIDE PIPELINE PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(C) (defining 7-year property) is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

''(v) any qualified carbon dioxide pipeline property—

''(I) the original use of which commences with the taxpayer after the date of the enactment of this clause,

''(II) the original purpose of which is to transport carbon dioxide, and

''(III) which is placed in service before January 1, 2011, and''.

(b) DEFINITION OF QUALIFIED CARBON DIOXIDE PIPELINE PROPERTY.—Section 168(e) (relating to classification of property) is amended by inserting at the end the following new paragraph:

''(8) QUALIFIED CARBON DIOXIDE PIPELINE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified carbon dioxide pipeline property' means property which is used in the United States solely to transmit qualified carbon dioxide from the point of capture to a secure geological storage or the point at which such qualified carbon dioxide is used as a tertiary injectant.

''(B) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(I) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

''(II) is measured at the source of capture and verified at the point of disposal or injection.

''(ii) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subparagraph (A) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(iii) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).''.

(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. 1510. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, the export or shipment of which was other than through an exporter who has filed a claim for a refund under paragraph (2),

(ii) such coal producer filed a return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary of the Treasury shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported by the coal producer or a party related to such coal producer.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) ESTABLISHMENT OF EXPORT.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount awarded under the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(iv) RECAPTURE.—In the case any judgment described in clause (iii) is overturned, the coal producer shall pay to the Secretary the amount of any payment received under subparagraph (A) unless the coal producer establishes the export of the coal to a foreign country or shipment of coal to a possession of the United States.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary of the Treasury shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a credit or refund of tax imposed by section 4121 of

such Code on such coal has been allowed or made to, or if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported coal has been paid to any person.

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

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to sell or export such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of such Code) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary of the Treasury shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary of the Treasury with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of such Code.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 1511. EXTENSION OF TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) (relating to temporary increase termination date) is amended—

(1) by striking ''January 1, 2014'' in clause (i) and inserting ''December 31, 2017'', and

(2) by striking ''January 1 after 1981'' in clause (ii) and inserting ''December 31 after 2007''.

SEC. 1512. 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.

Subtitle B—Transportation and Domestic Fuel Security

PART I—BIOFUELS

SEC. 1521. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended 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) the cellulosic alcohol producer credit.''.

(b) CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) 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 PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic alcohol producer credit for the taxable year is an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.01, over

''(ii) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production.

''(C) LIMITATION.—

''(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

''(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which is produced by the taxpayer and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol 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 cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(E) CELLULOSIC BIOMASS ALCOHOL.—

''(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) COORDINATION WITH SMALL ETHANOL PRODUCER CREDIT.—No small ethanol producer credit shall be allowed with respect to any qualified cellulosic alcohol production if credit is determined with respect to such production under this paragraph.

''(G) ALLOCATION OF CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before January 1, 2014.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(5)(H)'' after ''by reason of paragraph (1)'' in paragraph (2), and

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

''(3) EXCEPTION FOR CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is determined under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(5)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) LIMITATION TO CELLULOSIC ALCOHOL WITH CONNECTION TO THE UNITED STATES.—Subsection (d) of section 40, as amended by this Act, is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO CELLULOSIC ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SEC. 1522. 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, in taxable years ending after such date.

SEC. 1523. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—Subsection (h) of section 40 (relating to reduced credit for ethanol blenders) is amended by adding at the end the following new paragraph:

''(3) REDUCED AMOUNT AFTER SALE OF 7,500,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after the calendar year described in subparagraph (B), the last row in the table in paragraph (2) shall be applied by substituting '46 cents' for '51 cents'.

''(B) CALENDAR YEAR DESCRIBED.—The calendar year described in this subparagraph is the first calendar year beginning after 2007 during which 7,500,000,000 gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States, as certified by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) (relating to alcohol fuel mixture credit) is amended by adding at the end the following new subparagraph:

''(C) REDUCED AMOUNT AFTER SALE OF 7,500,000,000 GALLONS.—In the case of any alcohol fuel mixture produced in a calendar year beginning after the calendar year described in section 40(h)(3)(B), subparagraph (A) shall be applied by substituting '46 cents' for '51 cents'.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1524. 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) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new flush sentence: ''The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''.

(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) 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. 1525. CLARIFICATION OF ELIGIBILITY FOR RENEWABLE DIESEL CREDIT.

(a) COPRODUCTION WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel), as amended by this Act, is amended by adding at the end the following 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 December 31, 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. 1526. PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.

(a) 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.''.

(b) 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.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426, as amended by this Act, 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.''.

(2) 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 otherwise provided in this subsection, the amendments made by this section shall take effect as if included in section 301 of the American Jobs Creation Act of 2004.

(2) ALTERNATIVE FUEL CREDITS.—So much of the amendments made by this section 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.

(3) RENEWABLE DIESEL.—So much of the amendments made by this section as relate to renewable diesel shall take effect as if included in section 1346 of the Energy Policy Act of 2005.

SEC. 1527. 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.

PART II—ADVANCED TECHNOLOGY MOTOR VEHICLES

SEC. 1528. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR 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. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR 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 new qualified plug-in electric drive motor 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 new qualified plug-in electric drive motor 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 $3,000.

''(3) BATTERY CAPACITY.—In the case of a 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) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor 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, and

''(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.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor 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 NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor 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 new qualified plug-in electric drive motor 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) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—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), as amended by this Act, 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 new qualified plug-in electric drive motor 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. New qualified plug-in electric drive motor 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. 1529. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using either—

''(i) an all electric unit, such as a battery powered unit or from grid-supplied electricity, or

''(ii) a dual fuel unit powered by diesel or other fuels, and capable of providing such services from grid-supplied electricity or on-truck batteries alone, and

''(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce long-duration idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

For purposes of subparagraph (B), the term 'long-duration idling' means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after December 31, 2007.

PART III—OTHER TRANSPORTATION PROVISIONS

SEC. 1530. 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) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), 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 Clean Renewable Energy and 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.

SEC. 1531. 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.

Subtitle C—Energy Conservation and Efficiency

PART I—CONSERVATION TAX CREDIT BONDS

SEC. 1541. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by this title, 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 $3,000,000,000.

''(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 this title, 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 this title, 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, as amended by this title, 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. 1542. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by this title, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED FORESTRY CONSERVATION BONDS.

''(a) QUALIFIED FORESTRY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified forestry conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available proceeds of such issue are to be used for one or more qualified forestry conservation projects,

''(2) the bond is issued by a qualified issuer, 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 forestry conservation bond limitation of $500,000,000.

''(d) ALLOCATIONS.—

''(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation projects in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

''(2) SOLICITATION OF APPLICATIONS.—The Secretary shall solicit applications for allocations of the national qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

''(e) QUALIFIED FORESTRY CONSERVATION PROJECT.—For purposes of this section, the term 'qualified forestry conservation project' means the acquisition by a State or 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

''(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

''(2) At least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be donated to a State.

''(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

''(4) The amount of acreage acquired must be at least 40,000 acres.

''(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means a State or 501(c)(3) organization (as defined in section 150(a)(4)).

''(g) SPECIAL ARBITRAGE RULE.—In the case of any qualified forestry conservation bond issued as part of an issue, section 54A(d)(4)(C) shall be applied to such issue without regard to clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by this title, 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,

''(B) a qualified energy conservation bond, or

''(C) a qualified forestry 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 this title, 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),

''(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified forestry conservation 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 title, is amended by adding at the end the following new item:

''Sec. 54C. Qualified forestry 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.

PART II—EFFICIENCY

SEC. 1543. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT EXISTING HOMES CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

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

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

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

(c) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 1544. EXTENSION AND MODIFICATION 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. 1545. 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.''.

(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), and

''(3) refrigerators described in subsection (b)(3).''

(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), and

''(C) any refrigerator described in subsection (b)(3).''.

(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) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(7), as redesignated by paragraph (3), 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.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions) is amended by adding at the end the following:

''(9) 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.

''(10) 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. 1546. SEVEN-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(C) (relating to 7-year property), as amended by this Act, is amended by striking ''and'' at the end of clause (v), by redesignating clause (vi) as clause (vii), and by inserting after clause (v) the following new clause:

''(vi) any qualified energy management device, and''.

(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 December 31, 2007.

Subtitle D—Other Provisions

PART I—FORESTRY PROVISIONS

SEC. 1551. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

''SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

''(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income in an amount equal to 60 percent of the lesser of—

''(1) the taxpayer's qualified timber gain for such year, or

''(2) the taxpayer's net capital gain for such year.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(2) the sum of the taxpayer's losses described in such subsections for such year.

''(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—

''(1) In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)) other than a real estate investment trust, the election under this section shall be made separately by each taxpayer subject to tax on such gain.

''(2) In the case of any qualified timber gain of a real estate investment trust, the election under this section shall be made by the real estate investment trust.

''(d) ELECTION.—An election under this section may be made only with respect to the first taxable year beginning after the date of the enactment of this section.''.

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) is amended to read as follows:

''(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

''(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the taxpayer's qualified timber gain (as defined in section 1203(b)).''.

(2) CORPORATIONS.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).''.

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

''(22) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.''.

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

''(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.''.

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iv) the following new clause:

''(v) The deduction allowed under section 1203.''.

(f) TREATMENT OF QUALIFIED TIMBER GAIN OF REAL ESTATE INVESTMENT TRUSTS.—Paragraph (3) of section 857(b) is amended by inserting after subparagraph (F) the following new subparagraph:

''(G) TREATMENT OF QUALIFIED TIMBER GAIN.—For purposes of this part, in the case of a real estate investment trust with respect to which an election is in effect under section 1203—

''(i) REDUCTION OF NET CAPITAL GAIN.—The net capital gain of the real estate investment trust for any taxable year shall be reduced (but not below zero) by the real estate investment trust's qualified timber gain (as defined in section 1203(b)).

''(ii) ADJUSTMENT TO SHAREHOLDER'S BASIS ATTRIBUTABLE TO DEDUCTION FOR QUALIFIED TIMBER GAINS.—

''(I) IN GENERAL.—The adjusted basis of shares in the hands of the shareholder shall be increased by the amount of the deduction allowable under section 1203(a) as provided in subclauses (II) and (III).

''(II) ALLOCATION OF BASIS INCREASE FOR DISTRIBUTIONS MADE DURING TAXABLE YEAR.—For any taxable year of a real estate investment trust for which an election is in effect under section 1203, in the case of a distribution made with respect to shares during such taxable year of amounts attributable to the deduction allowable under section 1203(a), the adjusted basis of such shares shall be increased by the amount of such distributions.

''(III) ALLOCATION OF EXCESS.—If the deduction allowable under section 1203(a) for a taxable year exceeds the amount of distributions described in subclause (II), the excess shall be allocated to every shareholder of the real estate investment trust at the close of the trust's taxable year in the same manner as if a distribution of such excess were made with respect to such shares.

''(IV) DESIGNATIONS.—To the extent provided in regulations, a real estate investment trust shall designate the amounts described in subclauses (II) and (III) in a manner similar to the designations provided with respect to capital gains described in subparagraphs (C) and (D).

''(V) DEFINITIONS.—As used in this subparagraph, the terms 'share' and 'shareholder' shall include beneficial interests and holders of beneficial interests, respectively.

''(iii) EARNINGS AND PROFITS DEDUCTION FOR QUALIFIED TIMBER GAINS.—The deduction allowable under section 1203(a) for a taxable year shall be allowed as a deduction in computing the earnings and profits of the real estate investment trust for such taxable year. The earnings and profits of any such shareholder which is a corporation shall be appropriately adjusted in accordance with regulations prescribed by the Secretary.''.

(g) LOSS ATTRIBUTABLE TO BASIS ADJUSTMENT FOR DEDUCTION FOR QUALIFIED TIMBER GAIN OF REAL ESTATE INVESTMENT TRUSTS.—

(1) Section 857(b)(8) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) LOSS ATTRIBUTABLE TO BASIS ADJUSTMENT FOR DEDUCTION FOR QUALIFIED TIMBER GAIN.—If—

''(i) a shareholder of a real estate investment trust receives a basis adjustment provided under subsection (b)(3)(G)(ii), and

''(ii) the taxpayer has held such share or interest for 6 months or less,

then any loss on the sale or exchange of such share or interest shall, to the extent of the amount described in clause (i), be disallowed.''.

(2) Subparagraph (D) of section 857(b)(8), as redesignated by paragraph (1), is amended by striking ''subparagraph (A)'' and inserting ''subparagraphs (A) and (B)''.

(h) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

''(B) the exclusion under section 1202, and the deduction under section 1203, shall not be allowed.''.

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting ''To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.''

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting ''The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.''.

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

''(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

''(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

''(ii) the deduction under section 1203 shall not be taken into account.''.

(5) Paragraph (4) of section 691(c) is amended by inserting ''1203,'' after ''1202,''.

(6) Paragraph (2) of section 871(a) is amended by inserting ''or 1203,'' after ''1202,''.

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

''Sec. 1203. Deduction for qualified timber gain.''.

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

SEC. 1552. EXCISE TAX NOT APPLICABLE TO SECTION 1203 DEDUCTION OF REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—

(1) ORDINARY INCOME.—Subparagraph (B) of section 4981(e)(1) is amended to read as follows:

''(B) by not taking into account—

''(i) any gain or loss from the sale or exchange of capital assets (determined without regard to any reduction that would be applied for purposes of section 857(b)(3)(G)(i)), and

''(ii) any deduction allowable under section 1203, and''.

(2) CAPITAL GAIN NET INCOME.—Section 4981(e)(2) is amended by adding at the end the following new subparagraph:

''(D) QUALIFIED TIMBER GAIN.—The amount determined under subparagraph (A) shall be determined without regard to any reduction that would be applied for purposes of section 857(b)(3)(G)(i) but shall be reduced for any deduction allowable under section 1203 for such calendar year.''.

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

SEC. 1553. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

''(H) TREATMENT OF TIMBER GAINS.—

''(i) IN GENERAL.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

''(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

''(II) recognized under section 631(b); or

''(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

''(ii) SPECIAL RULES.—

''(I) For purposes of this subtitle, cut timber, the gain of which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

''(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

''(iii) TERMINATION.—This subparagraph shall not apply to dispositions after the termination date.''.

(b) TERMINATION DATE.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

''(8) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means the last day of the first taxable year beginning after the date of the enactment of this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 1554. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2) is amended by striking ''and'' at the end of subparagraph (G), by inserting ''and'' at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

''(I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;''.

(b) TIMBER REAL ESTATE INVESTMENT TRUST.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

''(I) TIMBER REAL ESTATE INVESTMENT TRUST.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.''.

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

SEC. 1555. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by inserting ''(in the case of a quarter which closes on or before the termination date, 25 percent in the case of a timber real estate investment trust)'' after ''not more than 20 percent of the value of its total assets is represented by securities of one or more taxable REIT subsidiaries''.

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

SEC. 1556. SAFE HARBOR FOR TIMBER PROPERTY.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.—

''(i) IN GENERAL.—In the case of sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

''(I) by substituting '2 years' for '4 years' in clause (i), and

''(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

''(ii) TERMINATION.—This subparagraph shall not apply to sales after the termination date.''.

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting ''or, in the case of a sale on or before the termination date, a taxable REIT subsidiary'' after ''independent contractor (as defined in section 856(d)(3)) from whom the trust itself does not derive or receive any income''.

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale on or before the termination date, the sale of property which is not a prohibited transaction through application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.''.

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

''(I) TERMINATION DATE.—For purposes of this paragraph, the term 'termination date' means the last day of the first taxable year beginning after the date of the enactment of this subparagraph.''.

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

PART II—EXXON VALDEZ

SEC. 1557. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

Subtitle E—Revenue Provisions

SEC. 1561. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR A PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) 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) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(2) 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.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

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

SEC. 1562. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to

have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2008 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Clean Renewable Energy and Conservation Tax Act of 2007) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2007 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2007, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2007.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Clean Renewable Energy and Conservation Tax Act of 2007.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

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

''(4) TRANSITION RULES FOR PRE-2008 AND 2008 DISALLOWED CREDITS.—

''(A) PRE-2008 CREDITS.—In the case of any unused credit year beginning before January 1, 2008, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2007—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2008 CREDITS.—In the case of any unused credit year beginning in 2008, the amendments made to this subsection by the Clean Renewable Energy and Conservation Tax Act of 2007 shall be treated as being in effect for any preceding year beginning before January 1, 2008, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

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

SEC. 1563. SEVEN-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. 1564. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any stock (other than any stock in an open-end fund), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred,

''(II) in the case of any stock in an open-end fund acquired before January 1, 2011, in accordance with any acceptable method under section 1012 with respect to the account in which such interest is held,

''(III) in the case of any stock in an open-end fund acquired after December 31, 2010, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such interest is held, and

''(IV) in any other case, under the method for making such determination under section 1012.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received

a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2009, in the case of any specified security which is stock in a corporation, and

''(ii) January 1, 2011, or such later date determined by the Secretary in the case of any other specified security.

''(4) OPEN-END FUND.—For purposes of this subsection, the term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer and the shares of which are not traded on an established securities exchange.

''(5) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2010, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(6) SPECIAL RULES FOR SHORT SALES.—

''(A) IN GENERAL.—Notwithstanding subsection (a), in the case of a short sale under section 1233, reporting under this section shall be made for the year in which such sale is closed.

''(B) EXCEPTION FOR CONSTRUCTIVE SALES.—Subparagraph (A) shall not apply to any short sale which results in a constructive sale under section 1259 with respect to property held in the account in which the short sale is entered into.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, in the case of any exercise of an option on a covered security where the option was granted or acquired in the same account as the covered security, the amount received or paid with respect to such exercise shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—For purposes of this section, in the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security where the taxpayer is the grantor of the option, this section shall apply as if the premium received for such option were gross proceeds received on the date of the lapse or closing transaction, and the cost (if any) of the closing transaction shall be taken into account as adjusted basis. In the case of an option on a specified security where the taxpayer is the grantee of such option, this section shall apply as if the grantee received gross proceeds of zero on the date of the lapse.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2011.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15 (January 31 in the case of returns for calendar years before 2010)''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''In the case of a payment made during any calendar year after 2009, the written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any account which includes the statement required by this subsection, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year after 2010 under section 6042(c), 6049(c)(2)(A), or 6050N(b) with respect to any item in such account shall instead be required to be furnished on or before February 15 of such calendar year if furnished as part of such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT METHOD.—Section 1012 (relating to basis of property–cost) is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

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

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO OPEN-END FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2009, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects (at such time and in such form and manner as the Secretary may prescribe) to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding stock in an open-end fund as a nominee.

''(3) DEFINITIONS.—For purposes of this section, the terms 'specified security', 'applicable date', and 'open-end fund' shall have the meaning given such terms in section 6045(g).''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Any statement required by subsection (a) shall be furnished not later than the earlier of—

''(1) 45 days after the date of the transfer described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such transfer occurred.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by redesignating subparagraphs (I) through (CC) as subparagraphs (J) through (DD), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every

person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (defining information return) is amended by redesignating clauses (iv) through (xix) as clauses (v) through (xx), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d) of such Code (defining payee statement), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (DD) as subparagraphs (K) through (EE), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

(f) STUDY REGARDING INFORMATION RETURNS.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect and feasibility of delaying the date for furnishing statements under sections 6042(c), 6045, 6049(c)(2)(A), and 6050N(b) of the Internal Revenue Code of 1986 until February 15 following the year to which such statements relate.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on the results of the study conducted under paragraph (1). Such report shall include the Secretary's findings regarding—

(A) the effect on tax administration of such delay, and

(B) other administrative or legislative options to improve compliance and ease burdens on taxpayers and brokers with respect to such statements.

SEC. 1565. EXTENSION OF ADDITIONAL 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''2007'' in paragraph (1) and inserting ''2008'', and

(2) by striking ''2008'' in paragraph (2) and inserting ''2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2007.

SEC. 1566. TERMINATION OF TREATMENT OF NATURAL GAS DISTRIBUTION LINES AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E)(viii) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''December 4, 2007''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after December 3, 2007.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or a related party has entered into a binding contract for the construction thereof on or before December 3, 2007, or, in the case of self-constructed property, has started construction on or before such date.

SEC. 1567. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 6.25 percentage points.

SEC. 1568. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) EXTENSION OF TIME LIMITATION.—Section 6698(a) (relating to failure to file partnership returns) is amended by striking ''5 months'' and inserting ''12 months''.

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) is amended by striking ''$50'' and inserting ''$80''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

Subtitle F—Secure Rural Schools

SEC. 1571. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within 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)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos

Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 85 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

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

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(B) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 76 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 65 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Oregon, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974l (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed

pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make

initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

''SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

''SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

''§ 6906. Funding

''For fiscal year 2009—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the amendment made by paragraph (1) shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) (as in effect before September 30, 2002), by the Chairpersons of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, as appropriate, for purposes of budget enforcement in the House of Representatives and the Senate, and under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.) as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall—

(i) be effective beginning on the date of enactment of this Act; and

(ii) remain in effect for any fiscal year for which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

In lieu of the matter proposed to be inserted for the title of the bill, H.R. 6, insert the following: ''An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to House Resolution 846, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials on the bill under consideration.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, at this time I yield 1 minute to my distinguished friend and colleague, the majority leader of the House, the Honorable Mr. HOYER, a great Member of Congress and a great friend of mine.

Mr. HOYER. Mr. Speaker, I thank my distinguished friend, the dean of the House, JOHN DINGELL of the State of Michigan, for yielding. I also thank him for his extraordinary leadership for over half a century, his father in an extended period before that, a distinguished career of service to this country and focus on the strength and growth of this country, on the health of our people, and of the opportunities for our workers. JOHN DINGELL is a giant with whom we serve. JOHN DINGELL is a giant of a leader in the Congress of the United States.

Mr. Speaker, tomorrow we will remember one of the most solemn occasions in our Nation's history, the 66th anniversary of a ''date which will live in infamy,'' the day in which our Nation was attacked by an enemy that we now count as an ally. Let us hope, and I believe that many years from now, this day, December 6, 2007, will be remembered by future generations as the date upon which the New Direction 110th Congress took a historic step in moving our Nation toward real energy independence and casting off the bonds of dependence that threaten America's national, economic, and environmental security.

The bipartisan compromise legislation before us, the Energy Independence and Security Act, is nothing less, Mr. Speaker, than our generation's declaration of independence from foreign sources of petroleum. In particular, I want to thank Speaker PELOSI, Chairman DINGELL, Chairman RANGEL, Chairman GORDON, and so many other Chairs of committees for the extraordinary work and effort that has made this day possible, which they put forward.

I am pleased that this legislation incorporates some of the ideas in the Progress Act, legislation that I have worked on with Chairman DINGELL and many of our other committee Chairs. This legislation of course, like all legislation, is not perfect. However, when we pass this bill, we will be voting to strengthen our national security, lower energy costs, grow our economy, and create new jobs and, as well, begin to reduce global warming.

Among other things, this legislation takes groundbreaking steps, Mr. Speaker, to increase the efficiency of our vehicles, raising fuel economy standards to 35 miles per gallon by 2020 for new cars and trucks, the first increase in fuel economy standards since 1975. This important step would not have been possible without the leadership of Speaker PELOSI and the leadership of JOHN DINGELL. I thank them both for their efforts.

This provision alone will save American families an estimated $700 to $1,000 per year at the pump and reduce oil consumption by 1.1 million gallons per day in 2020. This single step will reduce

by one-half what we currently import from the Persian Gulf. This legislation also makes a historic commitment to American-grown biofuels, including incentives to boost the production of biofuels and the number of flex fuel and other alternative vehicles, and establishing a tax credit for plug-in hybrid vehicles.

In addition, Mr. Speaker, it requires that 15 percent of our electricity come from renewable sources; strengthens energy efficiency for a wide range of products, appliances, lighting and buildings, to reduce energy costs to consumers; and repeals tax breaks for oil companies and invests that money in clean renewable energy and American technologies.

The oil companies of course are making extraordinary profits to give them incentive to continue to provide us with the incentive that we need. But they do not need additional subsidies from this Congress. It is telling that this legislation is supported by a broad coalition of environmental, business, labor, and farm groups, as well as State and local officials.

For example, my friend and our former colleague, Dave McCurdy, president and CEO of the Alliance of Automobile Manufacturers, stated: ''We believe this tough, national fuel economy bill will be good for both consumers and energy security.'' I want to thank Congressman McCurdy for his work on this bill, and I want to thank JOHN DINGELL, again, without whom this compromise could not have been reached. Paul Bledsoe of the National Commission on Energy Policy said: ''If it becomes law, this deal will mark the most important step toward improving U.S. oil security in a generation.''

Mr. Speaker, our national character was challenged by an unprovoked attack at Pearl Harbor 66 years ago. We rose to the occasion then; and through our citizens' will, intelligence and ingenuity, we prevailed, and we were strengthened.

Today, Mr. Speaker, we face a daunting but far different challenge, a challenge that compels us to confront and conquer our Nation's addiction to petroleum. This legislation will help to do so. I urge my colleagues on both sides of the aisle, not for partisan objectives or partisan reasons, but for the independence of our Nation, for the national security of our people, for the economy of our workers, and for the environment of our children, I urge my colleagues to vote for this very historic and important bill. Vote to cast off the chains of dependency that hold us back today which threaten our economic and environmental security. Vote, my colleagues, to put America on a path to achieve energy independence.

Before I close, Mr. Speaker, let me once again say that no one in this body with whom I have ever served has focused on an issue so tenaciously, so effectively, so energetically as the Speaker of this House. When we pass this bill, it will be a testimony to her leadership and to her commitment.

I urge my colleagues, step with history for tomorrow and our children. Vote for this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

I respectfully disagree with our distinguished majority leader. The bill before us is a change. It may be historic, but it is not positive. We are moving from a market-based energy policy, which has served this country well for over 150 years, to a government-mandated energy policy.

□ 1315

We are mandating 36 billion gallons of biofuels which don't exist and probably won't exist. We are mandating that 15 percent of all investor-owned utilities be generated by renewable means, where in some States that is physically impossible. We are mandating that we improve automobile fuel economy to 35 miles per gallon by a date certain, which, if that is technically feasible, it is going to be very expensive and probably raise the average price of an automobile several thousands of dollars.

We are mandating all of these things in the interests of energy security, which is a noble goal. I think we would be better off developing the domestic resources of our great land, just like it says up there in the quote from Daniel Webster, instead of engaging in government mandates which will raise costs and probably not increase supplies.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it is not unknown that I have had some reservations about the bill and about the procedure that has brought us to the floor. I note to you, Mr. Speaker, that this is, however, a good bill and one which I support. Indeed, this is legislation which the Nation has to have, and, for that reason, I urge my colleagues to vote for it.

I begin with proper commendations to our Speaker, to Mr. HOYER, to Mr. RANGEL, Mr. GORDON, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. RAHALL, and Mr. GEORGE MILLER of California, the Chairs of our colleagues' committees, for their good work and leadership on this matter, and I do salute you, Madam Speaker, for your leadership here.

I would note that the perfection of this matter or how it was handled is not a question before us, but, rather, it is what we should do about a major problem which this Nation confronts. In my extension of remarks, I will talk about the costs of failure to act at this time.

This is not a bill that the Committee on Energy and Commerce and my colleagues and I would have written if it had followed the regular order, nor, indeed, is it achieved under the order which we would have followed. Indeed, it is a process which is brought about in good part because of the lack of interest by the White House and, very frankly, the incompetence and the indifference and the arrogance of the other body.

I will be voting for this legislation because it contains a number of significant landmark achievements. It will raise fuel economy standards by 40 percent, to 35 miles per gallon, and it will do it in a way which achieves and protects American jobs and it gives manufacturers proper flexibility in achieving our goals.

It also closes what has been misleadingly, and I think dishonestly, called the SUV loophole. It expands incentives for the production of cars and trucks that run on renewable fuels, and it will help American factories to retool to build the cars and trucks of tomorrow.

I want to, at this time, pay particular compliment and congratulations to two of our very able colleagues and those who have joined them in their efforts to protect this legislation; Mr. HILL of Indiana, an extremely valuable Member of this body, and Mr. TERRY, another very valuable Member of this body. These two Members from Indiana and Nebraska have provided extraordinary leadership in this matter in the Hill-Terry bill, and they deserve the thanks and the congratulations of this Congress.

This legislation includes efficiency standards for buildings and appliances that will remove more than 10 billion tons of carbon dioxide from the atmosphere, an amount equal to five times the annual emissions of all cars on the road today in the United States.

For those who are concerned about portions of the bill dealing with renewable fuels and renewable electricity generation, I would simply say that this is far from the final work, and the committee will carry forward its oversight on these matters vigorously.

I reserve the balance of my time and at this time, Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the distinguished gentleman from Virginia (Mr. BOUCHER), the chairman of the Subcommittee on Energy and Air Quality, and I ask that he be permitted to control the time.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the distinguished ranking member of the Education and Workforce Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to H.R. 6, the Democrat no energy plan. As senior Republican on the Education and Labor Committee, I oppose not only the bill's remarkable lack of any new energy, but also its inclusion of bureaucratic mandates that will kill American jobs and complicate job-training.

Just yesterday, a letter was sent to the National Economic Council Director Allan Hubbard claiming that the bill, and I quote, ''Will not significantly expand the application of Davis-

Bacon prevailing wage requirements.'' Now, I don't know how the majority defines the words ''significantly expand,'' but by my count, this bill contains at least seven separate instances in which the Davis-Bacon wage mandates are imposed.

Simply put, this bill furthers the majority's aggressive application of Davis-Bacon wage mandates. Davis-Bacon wages can inflate project costs by as much as 15 percent, costs that get passed on to taxpayers. They also force private companies to do hundreds of millions of dollars of excessive administrative work each year, squandering resources that would be better spent creating jobs and spurring innovation.

As if the job killing Davis-Bacon requirements weren't bad enough, this bill also complicates our job training system by creating a redundant and unnecessary program to expand the energy efficient and renewable energy workforce. If this no energy package becomes law, it will mean more red tape, more bureaucracy and more hurdles for job seekers. We are talking about energy efficiency. Why not talk about job training efficiency as well?

For these and other reasons, Mr. Speaker, I cannot support the Democrat no energy bill, and I urge my colleagues to join me in voting ''no.''

Mr. BOUCHER. Mr. Speaker, I yield myself 1 minute

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

Mr. BOUCHER. Mr. Speaker, while I do not favor the renewable electricity mandate, because some areas of the country simply do not have the resources available to meet its requirements, the bill before us makes a substantial and important contribution to national energy policy and I rise in support of the measure.

Its 40 separate energy efficiency provisions will reduce future greenhouse gas emissions by 10 billion tons by the year 2030. In the year 2030 alone, the reduction will equal the annual CO_2 emissions of all of the vehicles on America's highways at the present time. The agreement on vehicle fuel efficiency is truly a landmark achievement.

The renewable fuels mandate will substantially lessen our reliance upon imported oil, and the bill advances the introduction of electrically powered vehicles and much needed CO_2 separation and storage technologies.

I urge the passage of this measure.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished Member from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, we heard a comparison today between December 7 and what we are passing today. December 7 began World War II in the Pacific, and if we read the history books, actually the war was lost by Japan and Germany because they ran out of oil. Japan was trying to keep us from interrupting their oil supplies and they ran out of oil. And we are absolutely disarming ourselves, taking away our own oil for the future here with this bill. I fail to see the connection that was being made earlier.

We have been told right now in this debate that we should consider what we are going to do about the problem before us. Now, the problem before us that I saw yesterday was that Dow Chemical began to ship its jobs overseas. Previously this summer they had announced $22 billion worth of investment in Saudi Arabia because the price of natural gas here is above $7, and it is below $1 there. They are simply choosing the economic choices that lie before them.

Mr. Speaker, when this bill first passed the House of Representatives, The Washington Post referred to it saying it would be legislation that is welcomed in Russia and Bolivia and other countries. The version before us today would still prompt the same comment, I am sure.

We should be working to expand our manufacturing. We should be working to encourage American energy companies to expand their operations by building U.S. jobs. But this bill, today's bill, hurts our domestic manufacturers by adding $21 billion in new taxes on Americans, but no new taxes on those other foreign oil companies. We are choosing foreign over domestic producers.

We should be working to help America's forest communities biomass plants. Instead, the majority's bill prohibits this. We are stopped dead in our tracks from taking biomass out of Federal lands, out of our national forests. The mandate is let them burn; we don't want to take biomass out of them.

We should be working to expand our domestic energy supply, but instead we are restricting future supplies of energy.

China has made its choices. They are building one new coal plant each week for the next 10 years. We are choosing to not have new energy. It is the wrong bill. I would recommend a ''no'' vote.

Mr. BOUCHER. Mr. Speaker, at this time I recognize the gentlelady 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 this important legislation. For too long, our Nation has depended on the old way of doing things, on corrupt dictators, on non-renewable and polluting sources of energy.

With this bill today, We stand at a crossroads: we can either continue down the old, failed road, or we can move ahead with new ideas that wean us off foreign oil, clean our skies, and ensure that our children inherit a cleaner, safer world.

In my home State of Nevada, our legislature has required that by 2015, 20 percent of power sold to Nevadans is derived from renewables. Already, energy providers have built or planned half a dozen major solar power projects in order to meet the requirements. Nevadans are looking to the future and so are our fellow Americans.

This bill is a great first step toward securing our energy independence. It provides the right incentives to energy providers to move to cleaner, renewable sources of energy. It sets realistic standards for utilities to provide renewable energy sources. It sets higher fuel efficiency standards so we can stop relying on corrupt dictators for our energy needs.

We are far from being energy independent, but today's bill is a good place to start, and I urge my colleagues to look to the future rather than the past. Let's break from our old ways and support this bill.

Mr. BOUCHER. Mr. Speaker, at this time I recognize, for 3½ minutes, the chairman of the House Ways and Means Committee, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, let me thank my friend and colleague for yielding and giving me the opportunity to rise in support of this bill.

I am confident that this Congress will be noted for the initiative that we are voting on today and that the American people will not be as concerned with the process and the procedure as they would be as to what did the Congress do in terms of dealing with the issue of global warming as well as relieving us of the dependency on foreign oil.

These are the crucial issues that Americans have looked to us to deal with. And I don't think it can be challenged that although there are those who have objections that it is not all that they would want it to be, it is a step that all of us in Congress should be proud that we moved forward.

The Clean Renewable Energy and Conservation Tax Act of 2007, as included in H.R. 6, presents a step in the right direction to present solutions to the problems that our great Nation and, indeed, the world are facing.

What did we do? To accelerate the use of clean, domestic, renewable energy sources and alternative fuels; to promote the use of energy-efficient products and practices and conservation; and to increase research and development in the deployment of clean, renewable energy and efficiency technologies.

The tax title of H.R. 6 makes good on this promise. The compromise package includes robust incentives for renewable energy production, increased efficiency, plug-in electric drive vehicles, and incentives for carbon capture, as well as the sequestration of coal demonstration projects.

The package facilitates and advances the development of advanced electricity infrastructure, it contains incentives to mitigate carbon remissions, it promotes the production of renewable energy and security of our domestic fuel supply, and it encourages energy savings and efficiency.

This package cost is fully offset by including certain provisions that were

loopholes that were undeserved of being given to oil and gas giveaways, not to the smaller suppliers of oil, but to the very largest that have had obscene profits without the benefits of the technology necessary to remove the dependency.

Specifically, the package will repeal the domestic manufacturing incentive for the top five integrated producers while freezing reductions at 6 percent for all others in the oil and gas sector. The package tightens foreign tax credit rules for foreign oil and gas extraction income and foreign oil-related income.

□ 1330

I want to take this particular time to thank STENY HOYER, NANCY PELOSI, and, more particularly, JOHN DINGELL for bringing together the interests and concerns of the standing committees and having us come forward as a body to fulfill the commitment that we made earlier on that we were going to respond to the needs of the people of our great Nation and certainly to the people of the world.

I do hope that while there has been a lot of partisanship in terms of lack of cooperation on the other side, that at the end of the day when people at town hall meetings or our children and grandchildren would ask the questions, what did we do, we can say we supported this great historic piece of legislation.

Mr. BARTON of Texas. I yield 1½ minutes to a member of the Energy and Commerce Committee, Mr. UPTON, from the great State of Michigan.

Mr. UPTON. Mr. Speaker, I was driving in this morning listening to the radio and I heard an ad. The ad said, vote for the bipartisan energy bill when it comes up today, and it told you to call your local Congressperson. Who are you going to call? Not even Ghost Busters can find a Republican to make this a bipartisan bill.

Our energy needs in this country are going to grow by about 50 percent by the year 2030, and there is no question that we need to do a better job on conservation, looking for alternative fuels; but this bill doesn't do that. This bill is not the bipartisan piece of legislation that we want. There is no bipartisan bill on the House floor. There is no Republican substitute. There were no Republican amendments. There was not even a conference named to try and iron out differences between the House and the Senate. Virtually, there was no Republican involvement or input on this legislation at all. And so, therefore, as a consequence, there are no Republicans at least on this side of the aisle that can make the bill bipartisan.

In 2005, we passed an important energy bill, and it was bipartisan. Chairman BARTON did a terrific job in the hearings and the conference that we had, and it enjoyed the support then of Ranking Member DINGELL to make sure that in fact it was bipartisan. But raising taxes, which this bill does, on energy producers is the last thing that our Nation needs as our consumers try and grapple with higher energy costs, whether that be heating or gasoline.

Yesterday, in an important hearing, my good friend from Michigan (Mr. DINGELL) offered advice to the panel that was there when he took over the chairmanship of our important committee, Energy and Commerce. And he said this. He said: ''The Parliamentarian told me that the process needed to be fair and there needed to be a perception of fairness.'' Mr. Speaker, I lament that this bill is neither. It is not fair nor is the perception there.

I urge my colleagues on both sides to vote ''no.''

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. GORDON), chairman of the House Committee on Science and Technology.

Mr. GORDON of Tennessee. Mr. Speaker, for too long we have depended on a handful of finite energy resources to power our economy. So as energy prices inevitably rise, we can continue to hand our money over to foreign interests, or we can invest that in our own country's energy independence.

This week, the U.S. and world leaders are meeting to define the steps needed to address the challenge of climate change. This energy package will help give our country the technological bump needed to address CO_2 emissions and our dependency on foreign energy. This bill will invest in a wide range of energy technologies that use clean natural resources from the sun, the oceans, and our Earth. It will boost the energy efficiency of our vehicles, buildings, and heavy industries. And this bill provides significant increased investment in technologies to capture and store carbon dioxide from coal-fired plants.

I am pleased that, over the last year, the Science and Technology Committee has worked hard to clear 14 bipartisan consensus-driven energy and environment research bills, nine of which are included in the House package. So I want to take this opportunity to thank those Democrat and Republican members of our committee, and the minority and majority staff, for their hard and good work.

And finally, Mr. Speaker, let me just respond to my friend who says if you vote for this bill, the price of energy is going to go up. The fact of the matter is we all know, whether you vote for or against this bill, the price of energy is going to go up. The question is, are we going the write the check to foreign energy cartels, or are we going to invest that money here in America in clean alternative energy?

Mr. Speaker, I am voting for America. I am voting for this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 5 minutes to the distinguished ranking member of the Science Committee, Mr. HALL of Rockwall, Texas.

Mr. HALL of Texas. Mr. Speaker, I have just heard Mr. DINGELL mention World War II and Pearl Harbor and I heard Mr. PEARCE answer him; and they are both correct in what they said, that that was an energy war.

I remember like yesterday, I was 17 years old standing on the banks of the Tombigbee River in Alabama, and a guy ran down and said the Japanese are bombing Pearl Harbor. I didn't know where Pearl Harbor was. I said, we had better hitchhike back to Dallas; those Japanese will go straight to Washington. I thought Pearl Harbor was down around Mobile somewhere. That is how ignorant I was about the Nation at that time, but I am a little smarter now. And I remember well that Cordell Hull and Henry Stimson cut the energy off from Japan. They had 13 months' national existence. They had to break out and go somewhere, and we had to know they were going to. That was an energy war. So I am a little disappointed in the majority.

During the campaign, they blamed the Republicans for high energy prices. Here, before us today, is a bill that the Democrats are touting as the end to high energy prices. There is one big obvious problem with the bill: there is nothing in this bill that will bring any relief to the citizens of our great country or that will lower the cost of a tank of gasoline or the monthly electricity bills. It will likely in fact have the opposite effect.

The bill authorizes billions and billions of dollars in new government spending programs, and mandates electric companies to use more expensive ways for electricity generation, whether they are able to or whether they are not able to. If you don't think that is going to make your electricity bill go up even more, then you are not really being realistic. Electric companies are a business just like any other business; and if their costs go up, they are going to pass them along.

We don't need to mandate Federal renewable electricity standards. Twenty-eight States and the District of Columbia already have a renewable portfolio standard in place. These standards were made on the State level based on what renewable sources are available in each State, and it is wrong for the Federal Government to enforce a one-size-fits-all standard. My home State of Texas has a very successful RPS. Since its inception in 1999, Texas has become the Nation's leader in wind energy. In June of this year, a Texan put forward plans to build the Nation's largest wind farm in the panhandle of the State. This would be four times larger than the current wind farm.

Anyone, anyone who is serious about lowering the cost of gasoline, then, along with research and development and renewable sources of energy, they would be providing incentives to the oil and gas industry to explore more areas of our country for oil and gas. They would be providing incentives to develop our domestic sources of oil and gas. They would be providing incentives to build more refineries. These

things are not only important to address today's high cost, but also for our national security.

We cannot forget that we import a huge amount of oil from OPEC countries that are willing to take our American dollars, but many are not really our friends. We are shamefully dependent on foreign sources of oil. We can't continue to compromise our national security.

Another opportunity the Democrats completely ignore in this bill is a chance to promote the use of clean coal for much-needed new power plants and as a source of transportation fuel. It has been said before that the United States is the Saudi Arabia of coal. So why are we not encouraging the environmentally friendly use of this abundant and inexpensive domestic resource? These facilities would have the best technologies to capture emissions in order to produce clean electricity and the clean fuel that can be used immediately in our Nation's pipelines, filling stations, and in our automobiles.

My constituents are doing their part to help the environment, but they need to be able to afford to put gas in their cars so they can get to work to provide food for their families and clothes for their children. A lot of my constituents don't have transportation options. There is no bus system or rail system. They live 45 miles from work, so they certainly can't take a bike. They need their cars. They need the fuel that they put into them to be affordable. I don't see a glimmer of hope for them in this bill.

Mr. Speaker, I do feel very strongly that we should be looking to efficiency, conservation, and renewable alternatives of energy to become part of our portfolio. And I support the provisions in this bill that do that; however, there are so many harmful things in this bill that I think the bad, ugly highly outweighs the good.

I supported and voted for the bipartisan R&D provisions as they existed coming out of the Science and Technology Committee and generally remain supportive. However, I am concerned with some changes and additions made in this amendment, changes that came about without the opportunity for vetting or Member involvement. Participation by all Members leads to a better product, and we know that.

For example, the Energy Policy Act of 2005 garnered the support of 38 Democrats who are still in the House when initially passed by the House. When brought to the floor later that year for final passage, it garnered the support of almost 70 Democrats who are still in this House.

Mr. Speaker, I can't stress how important energy is to our country. We have urged drilling in the Outer Shelf. Yes, China drills just off the coast of Key West today. And we have urged drilling in ANWR. I urge our colleagues not to play politics with our energy future.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that Mr. MCCRERY be allowed to control the time on the minority side.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Committee on Education and Labor.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I thank him for his leadership on this legislation. I want to thank the leadership of Speaker PELOSI and Majority Leader STENY HOYER, and the skill and experience and the knowledge of Congressman JOHN DINGELL for all of this help on this legislation.

This is a remarkable day for the United States House of Representatives and, hopefully, for the people of this country as we break the chokehold of those Middle Eastern countries that have us tied to them because of oil.

The energy independence that we talk about in this legislation is the ability, through the savings, through fuel-efficient automobiles, through fuel-efficient appliances, through fuel-efficient houses and businesses and buildings that the savings that we will be able to have with respect to the use of energy and oil in this country will allow America to make decisions based upon the American interests and not the interests of other countries because we are tied to them because we do not have energy efficiency in this country.

This is a remarkable piece of legislation for the benefits that it will provide for American consumers at the gas pump, at the department store when they buy new appliances, when they buy new homes, when they go to work in new buildings, when they start businesses in more energy-efficient buildings.

These are the kinds of benefits that we can have because we have renewable energy, we have fuel standards, and we have a new CAFE standard that is a 40 percent increase in the efficiency of automobiles that Americans will buy into the future that will break that tether to that high price, $3.50 gasoline as it is in California. They will be able to go further on each one of those gallons of gasoline. That is what we need.

This bill also creates over 3 million jobs in the green industry that are supported by this legislation that encourages that investment in wind and biofuels and solar energy. Those 3 million jobs, we are 8 years late coming to those jobs, but they are in this legislation; and those jobs will be created in almost every sector of the economy no matter what geographical area people live in. But we need to develop those skills. And I want to thank JOHN TIERNEY and HILDA SOLIS for their efforts on that.

This is what the people who are betting their money on the future of the high-tech companies, people who are betting their money in terms of venture capitalists, that this is where they told us to go to generate the next generation of innovation, of technology, was in energy. And that is what we are going to do, and America is going to have a much better energy future as a result of this legislation.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas, a member of the Energy and Commerce Committee, 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 would like to thank my friend from Louisiana for allowing me to speak.

Mr. Speaker, there is no question this is a historic day. This bill will substantially increase fuel economy standards for the first time in over 20 years, increase energy efficiency requirements, and promote research and development of alternative sources. These are all worthy accomplishments, and the efforts of Chairman DINGELL should be commended.

□ 1345

The only opportunity this Congress missed was to create a balanced energy policy that invests in our energy future without ignoring America's energy needs today. I believe as Democrats, we could have crafted a sensible energy policy that actually enhances our energy security, but that would require bringing all Democrats to the table, including those of us who represent districts that produce energy needed to heat our homes, fuel our vehicles, and generate our economic prosperity.

While some improvements from the previous bill, H.R. 3221, have been made, new additions that have not been thoroughly debated have been included and could have a negative impact on the cost of energy in our area.

For that reason, I must vote against the legislation and hope that we can instead vote on an energy bill that is focused on provisions we can agree on, such as a bill to increase CAFE standards, energy efficiency standards, and that would actually increase energy security in the United States.

I am particularly disappointed in the lack of discussion on the renewable fuel standard, RFS, which was not included in our House bill and was not moved through any regular process in the House of Representatives. It is premature to consider expanding the RFS until our current one is fully implemented, and we run the risk of negative environmental impacts, questionable greenhouse gas emissions, and increased food and energy prices with a focus on corn-based ethanol.

A sensible approach would have been to require RFS to include, prior to taking effect, a clear mechanism to reduce the mandate in case the environmental challenges, technological, or feasibility

of supply issues, or projected food price increases were impacted.

This bill includes tax provisions outside of those carefully negotiated earlier in H.R. 6 that actually tilt the competitive playing field for global energy resources against U.S.-based oil and gas companies and discourage the expansion of natural gas distribution systems.

There has been an effort to moderate some of the tax provisions passed early in August, particularly by retaining current deduction levels under section 199 for our Nation's independent producers. I am glad that happened, but I am concerned with the impact on my constituents and their electricity bills with a Federal renewable electricity standard, the RES. Under a one-size-fits-all mandate, Texas utilities may be forced to make payments to the Federal Government to meet a 20 percent target or a 15 percent target, or 11 percent, now we hear it is 11 percent, ultimately driving up costs for the utility, the electricity users.

I wish Congress would capitalize on this historic moment and actually make it to where we could pass an energy bill that would be bipartisan. We could instead have a more sensible bill that focused on the provisions we all agree on, increase CAFE standards and energy standards, and that would meet with Senate and Presidential approval.

Mr. Speaker, there is no question this is a truly historic day for Congress. This bill will substantially increase fuel economy standards for the first time in over 20 years, increase energy efficiency requirements, and promote research and development of alternative sources of energy. These are all worthy accomplishments and the efforts of the Chairman should be commended.

The only opportunity this Congress missed, Mr. Speaker, was to create a balanced energy policy that invests in our energy future without ignoring America's energy needs today. I believe as Democrats we can craft sensible-energy policy that actually enhances our energy security, but that would require bringing all Democrats to the table, including those of us who represent Districts that produce the energy needed to heat our homes, fuel our vehicles, and generate our economic prosperity.

I believe that day will come, but after reviewing some of the proposals contained in this legislation, it is clear we have a long way to go. While some improvements from H.R. 3221 have been made, new additions that have not been thoroughly debated by this House and that could have a negative impact on the cost of energy have been included.

For that reason, I must regrettably vote against this legislation and hope that we instead vote on an energy bill that is focused on the provisions we can all agree on—such as a bill to increase CAFÉ and energy efficiency standards—and that will actually increase the energy security of the United States.

RENEWABLE FUEL STANDARD

I am particularly disappointed in the lack of discussion and debate with various stakeholders when crafting the expanded Renewable-Fuel Standard, RFS, which was not included in the House-passed bill, was not considered by the Energy and Commerce Committee, and was not moved through the regular process of the House of Representatives.

It's premature to consider expanding the RFS before our current one is even fully-implemented, and we run the risk of ultimately shifting the nation's dependency on petroleum to another fuel that's costly, less efficient, and many unintended consequences.

There is no shortage of literature detailing the negative environmental impacts of corn-based ethanol, including soil erosion, herbicide and insecticide pollution, aquifer depletion, and loss and degradation of wildlife habitat.

Its effect on greenhouse gas emissions are questionable, and many studies find that the amount of energy needed to produce ethanol is roughly equal to the amount of energy obtained from its combustion.

The biggest loser in the blind push for ethanol is the American consumer. I come from a low-income area in Texas where families struggle to make ends meet. When you account for the increased cost of transporting ethanol, its reduced fuel efficiency, and higher food prices due to increased corn demand, all our constituents will take a substantial hit to their pocketbooks.

Even with this, I had hoped to sit down with different RFS stakeholders to find a reasonable solution to address these concerns. A sensible approach would have been to require the RFS to include—prior to taking effect—a clear mechanism to reduce the mandate in the case of environmental challenges, infrastructure bottlenecks, technological, feasibility or supply issues, projected food price increases, adverse weather conditions, harm to livestock producers, or other adverse consequences. Such evaluations could be repeated on a periodic basis to ensure these conditions do not materialize. Unfortunately, this idea did not have the opportunity for an open discussion and debate.

If this Congress supports this expansion, I hope we at least understand the energy requirements we'll need to meet the mandate. Most of the energy used to produce ethanol comes from natural gas or electricity. A Congressional Research Service report concluded that an increase in corn ethanol to 15 billion gallons would require an increase in natural gas consumption, ultimately substituting energy demand from one fossil fuel to another.

I have always believed clean-burning natural gas will play a critical role in addressing our nation's energy needs; I just hope we remember the important role natural gas will play in this RFS mandate as we debate future proposals affecting domestic natural gas supply.

TAX REPEALS

Next, I believe we cannot keep taxing American's energy industry and expect to have adequate supplies of energy. This bill includes tax provisions outside of those carefully negotiated in H.R. 6 that could actually tilt the competitive playing field for global energy resources against U.S. based oil and gas companies and discourage the expansion of natural gas distribution systems.

This 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 and new investments in refinery capacity.

I am pleased, however, by the effort made to moderate some of the tax provisions from H.R. 3221, particularly by retaining the current deduction levels under Section 199 for our Nation's independent producers. While it is fundamentally unfair to treat energy companies differently than other companies under the manufacturers tax credit, at least this provision does not also punish independent producers which develop 90 percent of domestic oil and natural gas wells.

RENEWABLE ELECTRICITY STANDARD

Finally, I am concerned with the impact on my constituents' electricity bills with a federal Renewable Electricity Standard, or RES.

I am proud to come from a State that has an impressive RES that meets the needs of our region. 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, as contained in this legislation, is the best way to accomplish this goal.

In order to meet a 15 percent Federal RES by 2020, Texas utilities may be forced to make payments to the Federal Government to meet this mandate, ultimately driving up energy costs for all electricity users.

CLOSING

In closing, I wish that Congress would capitalize on this historic moment and move forward with an energy bill that unites all sides of the Caucus. We could have instead moved a more sensible bill that focused on the provisions we all agree on—like increased CAFÉ and energy efficiency standards—which would meet Senate approval and be signed by the President. I hope this opportunity to move consensus-based legislation is not squandered for the sake of a simple sound bite or press release.

As we move forward in this Congress, I hope the House of Representatives will actually 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. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN), the chairman of the Committee on Oversight of the House.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me to support the Energy Independence and Security Act. With this bill, we will turn from the past to the future. We have begun the process of adopting energy policies that recognize the science of global warming and the threat to our Nation's energy security.

This legislation will finally give Americans the fuel-efficient automobiles they want, saving families $700 to $1,000 a year. That is money we won't be sending to dangerous regimes in the Middle East.

This legislation will finally give Americans more power from clean, affordable, renewable energy sources, using wind, solar and biomass. We can produce energy here and at home and fight global warming.

The legislation will give Americans more efficient appliances and consumer

goods, saving us hundreds of billions of dollars on electricity bills over the next few decades.

And there are some things this legislation will not do. It won't diminish the EPA's authority to address global warming, which the Supreme Court has recognized. It won't seize authority from the States to act on global warming.

President Bush has threatened to veto this bill because it takes away taxpayer subsidies to oil companies and supports new renewable energy technologies. It is time for the President to do what the American people want, not what the oil companies want.

Many of us have been fighting this fight since 2001. With the leadership of Speaker NANCY PELOSI and other key Members, including Chairman DINGELL, we are now finally in a position to enact essential energy reforms. I urge my colleagues to support this legislation.

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

Mr. Speaker, this is the third time this year that I have stood before this body to debate a tax bill dealing with energy. Like the debates before, the bill before us today has more to do with politics than policy. It is indeed Orwellian logic to say that gas prices are too high; therefore, we ought to raise taxes on the oil and gas industry. Hmm.

The majority claims that American manufacturing jobs are important, but it is pursuing tax policies that will drive good-paying jobs in the oil and gas industry overseas.

The majority claims to be adhering to PAYGO; yet by clever sleight of hand, they have included an additional $900 million in tax relief for New York that falls just outside the budget window, thereby evading PAYGO.

And the majority, despite its stated concerns about tax earmarks, seems to have a massive one in here of a $500 million tax credit bond program that appears to benefit one single landowner. A rifle shot.

The bill, as has been discussed in the past, creates tax credit bonds that State and local governments can use with little accountability and without any assurances that funded projects will reduce fossil fuel consumption or greenhouse gas emissions.

On top of that, those tax credit bonds would be tradable, setting up a market for tax credits very similar to something that Congress tried back in 1981 and repealed the very next year because of the outcry of the public.

Mr. Speaker, I don't expect this bill to make it through the process. I don't think it will get through the Senate. If it were to, the President would most certainly veto this bill, but maybe then we can go back to the drawing board on a bipartisan basis to craft an energy bill that actually produces energy and reduces costs and protects American jobs. Until then, I urge my colleagues to defeat what is an ill-conceived bill. We have wasted more energy today debating it than its passage would possibly create.

Mr. Speaker, I ask unanimous consent that Mr. BARTON be allowed to resume allocation of time for the minority.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the Transportation Committee.

Mr. OBERSTAR. I am here to address the contribution of the Transportation and Infrastructure Committee to H.R. 6, the Energy Independence and Security Act.

We begin with the Department of Energy, itself, by providing funding to build a photovoltaic solar wall on the south wall of the Department of Energy. It was built without windows or doors to accommodate a solar application, but the funding was never provided over the last 12 years. The project will pay for itself in less than 18 years and then begin sending excess energy into the local power grid.

We continue with the U.S. Capitol. We require the Architect of the Capitol to undertake feasibility studies on installing photovoltaic roofs on two buildings, Rayburn and Hart, and also a feasibility study to capture, store and use carbon dioxide from the Capitol power plant.

We spread these efforts further across the Nation by requiring the General Services Administration to install energy-efficient and renewable energy systems, including compact fluorescent bulbs and photovoltaic systems on Federal office buildings and U.S. courthouses across the country. We also prohibit the Coast Guard from using incandescent light bulbs unless they determine they are necessary for their mission.

The bill also establishes critical targets for GSA and other Federal civilian agencies to cut energy use by 30 percent and fossil fuel use 65 percent within a decade. Within 25 years under provisions in this bill, all fossil fuel use in Federal buildings will be eliminated.

Transportation. We authorize in law a Center for Climate Change and Environment under the Department of Transportation, which has existed by administrative action but has not been effective. It will be under this legislation.

We increase the Federal share for congestion mitigation and air quality improvement highway funds to 100 percent for incentives for States to use funds to finance alternatives for people driving alone.

We authorize $40 million for short line and regional railroads to buy green locomotives, $200 million for track improvements to encourage movement of goods by rail, and a new short sea shipping program to move goods by more efficient means. Short sea shipping is short-haul movement of goods by water to avoid congestion areas. Widely used in Europe, they have a vast network of short sea transportation routes. The bill will promote use of such shipping opportunities on the Great Lakes and on the saltwater coast of the United States, using the Capital Construction Fund, building ships in the United States, including in the State of Wisconsin, to build short sea shipping vessels to avoid congestion in places like Chicago. We make a real, solid contribution.

Mr. BARTON of Texas. I yield 1 minute to a distinguished member of the Energy and Commerce Committee, Mr. MURPHY of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, over the next 40 years, electricity demand in the United States will double. We have to conserve. We have to make strides in efficiency and renewable energy, but we can't depend on renewable power alone. It would take 3,000 huge windmills or 11 square miles of solar collectors to equal the power output of one modern coal plant.

Even if we quadrupled the share of renewable power by 2050, we will still need coal for half of our electricity. To meet America's future energy needs, we will probably need to build 800 new coal plants over the next 40 years: 400 to replace the old, inefficient plants and 400 to meet the growth and demand. This translates to one coal plant every 2 to 3 weeks, even if we start in 2010.

Solving the problem will require clean coal technologies with zero emissions, including greenhouse gases. Let's solve American's energy problems by cleaning up America's abundant energy resources. This bill, however, will tax America's abundant supplies of coal, and that just doesn't make sense.

Mr. BOUCHER. Mr. Speaker, I recognize myself for 2 minutes.

Mr. Speaker, I just want to comment further on some of the very positive things this legislation does in order to move forward national energy policy.

This is truly a landmark achievement. The legislation that we have before the House opens the door to an entirely new era in which we will tap new forms of domestic energy resources and lessen this country's reliance on energy imports.

The measure broadly incents the creation of new alternatives to today's traditional energy resources: from consumer appliance standards, which will be improved across a range of home appliances through this measure, to energy-sensitive building codes; to the capture of waste heat from industry that could produce the energy necessary to generate fully 60 gigawatts of electricity with no additional emissions of greenhouse gases; to the creation of a smart electricity grid that will lead to the day when consumers of electricity in their home can save money by consuming more electricity

during times of low demand when prices are lower; to a major increase in automobile fuel efficiency, for which I want to commend the gentleman from Michigan (Mr. DINGELL) for the hard work that he and his staff have put forth in coordination with the Speaker of the House in order to achieve that landmark advance; to the evolution from gasoline-powered to biofuel-powered cars, and to the day when our electrically powered cars will predominate in the transportation fleet of this country.

□ 1400

In all of these ways, this bill makes a major advance in national energy policy. It will make America more energy efficient and energy independent.

With this bill, we also make an important down payment in addressing the challenge of greenhouse gas emissions. And next year, beginning with work in our House Energy and Commerce Committee, we will take another landmark step in that direction as, in consultation with external stakeholders, and on a bipartisan basis with our Republican colleagues on the committee and in the House, we will structure a mandatory approach to controlling greenhouse gas emissions in the United States, an economy-wide program that will enjoy bipartisan support and spread the burden of greenhouse gas emissions equally across this economy. That approach begins in the year to come and will make a further enormous contribution to controlling emissions.

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

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to a member of the Ways and Means Committee, Mr. RYAN of Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to talk about one particular provision in this bill which really puzzles me, and that is the tax earmark that's in this bill. This bill creates forestry conservation tax credit bonds. Sounds pretty innocent on its face. But reading through the language, the provision has little to do with forestry, and didn't appear to require the protection of a single tree. Rather, it's nominally about protecting fish.

Specifically, to qualify for the tax credit bond program, the parcel of land to be purchased must be adjacent to the Forest Service land; have a portion of that land turned over to the U.S. Forest Service; include at least 40,000 total acres, and must be subject to a ''native fish habitat conservation plan approved by the United States Fish and Wildlife Service.''

Well, according to the Fish and Wildlife Service, there is only one piece of land in America that meets this description. It's a piece of land in Montana owned by a timber giant, Plum Creek. And according to press reports, they intend to sell it to the Nature Conservancy, which can get the $500 million in bonds, who could give that $500 million, buy it from Plum Creek, turn around and sell it to landowners, for all we know. If this isn't a tax earmark, I don't know what is.

But the point is, this is a tax earmark. And why is it possible to add this provision which is a tax earmark?

Well, the anti-earmark rules that we have here in the House only apply to conference reports and bills.

What are we considering today? Technically, it's an amendment to the Senate bill which was an amendment to the original House-passed bill. So the earmark rules we have are thrown out the window. No earmark rules apply here. That's how you can sneak this provision in, a $500 million tax earmark provision to go to one private landowner.

Again, we can't be exactly sure what the deal here is because the bill just got released. We don't know who asked for this provision or exactly how it will be used, but at the very least, serious questions ought to be raised about such an expensive provision dropped into this bill to benefit one particular landowner.

In addition to that, this bill may not technically violate PAYGO, but it sure does violate the spirit of PAYGO. It uses timing shifts and other budget gimmicks to violate PAYGO. For this and many other reasons, I urge a ''no'' vote on this bill.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to recognize for 2 minutes the distinguished chairwoman of the House Committee on Small Business, the gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to support this historical energy legislation now before us. This legislation moves us toward energy independence and meets the needs of this Nation's entrepreneurs.

Small businesses are not just the most impacted by high energy costs, but small businesses are also leaders in domestic protection of energy. They make up 80 percent of all renewable fuels producers in this country. This legislation makes them part of the solution. It does this by developing innovative new technologies, reduces carbon emission, increases clean renewable energy production, and modernizes our energy infrastructure. Much of this was accomplished under the leadership of Congressman HEATH SHULER, whose legislation, the Small Business Energy Efficiency Act, is contained in this bill. It's initiatives provide entrepreneurs with increased access to financing and technical assistance to improve their energy efficiency. It also establishes the Renewable Fuels Capital Investment Company Program that will provide capital for small businesses involved in the production of renewable energy.

Mr. Speaker, as Chair of the Small Business Committee, we held over 50 hearings. We have been in every part of this country. And when small businesses talk to us, before they even talk to health care, and not even taxes, they tell us that we've got to do something about energy costs.

This bill is good for consumers, good for the environment; it's good for the small businesses; and, most of all, it's good for our economy. Vote ''yes'' on this bill.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 1½ minutes to the distinguished member of the committee from the great State of Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I'm sorry that we're on the floor here today. This year I've yelled on this floor. I've cried on this floor. I've stormed off this floor. So today I decided to be the still, small voice in support of coal, in support of the internal combustion engine, and in support of national security.

Illinois alone is the Saudi Arabia of coal. If you want to decrease our reliance on imported crude oil, coal has to be in an energy bill. It just has to. And to deny that is a failure on public policy ramifications.

I here hold in my hand an internal combustion engine, much maligned on the floor and in the world today. It's 1.5 horsepower. It's lighter and it's easier to carry than 1½ horses. And we have to imagine the benefits to this world that the internal combustion engine has caused, how it's uplifted the poor and the downtrodden. But this bill attacks the internal combustion engine.

And on national security, coal-to-liquid fuel and natural gas, the evidence is clear: the Department of Defense wants to relieve itself of reliance on imported crude oil. They are seeking support of coal-to-liquid applications for jet fuel. The United States Air Force is the number one consumer of aviation fuel. Our coal fields to our refineries, to our pipelines, to our jet planes is the way in which we can decrease our reliance on imported crude oil and protect our national security interests. This bill does nothing in that respect. Vote ''no.''

Mr. BOUCHER. Mr. Speaker, I recognize myself for 1 minute.

I can't let pass the suggestion that there is nothing in this legislation that advances the interests of the domestic coal industry in the United States. In fact, there are two very important provisions that address the future needs for coal. The first of these will stimulate the development of carbon dioxide pipelines that will enable carbon dioxide to be transported across long distances from the place where carbon dioxide is separated out of the coal combustion process to the place where it's injected for permanent storage.

And, secondly, there is an investment tax credit totaling $1.5 billion that is available for companies that will take the step to develop those carbon separation and sequestration technologies. And carbon separation and sequestration truly is the future of coal. In a

carbon constrained environment, it's critically important that coal-fired utilities be able to continue to use that fuel and to do so consistently with whatever the limits on carbon dioxide emissions are. The ability to separate carbon dioxide out of the combustion process and transport it to permanent storage in the ground is the answer that we'll be relying on in future years. This bill helps to make that possible.

Mr. BARTON of Texas. Mr. Speaker, I would like to recognize for 1 minute the gentlelady from the Mountain State of West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in strong opposition to this no-energy energy bill. We're all for innovation and research for future energy resources, including renewables; but the standard in this bill is a one-size-fits-all mandate that ignores available energy resources and economic needs of individual States.

A mandatory renewable energy standard, such as in this bill, picks winners and losers. It excludes nuclear, hydroelectric and clean coal. Technology is giving us ways to use coal more cleanly and efficiently. We just heard coal sequestration mentioned, but where is coal liquification? It is a proven viable fuel for the decades to come.

Despite tremendous promise of this and other technologies, this no-energy bill excludes our most abundant domestic resource, coal, from our future energy strategy.

A federally mandated renewable electric standard will raise electric prices for all consumers. Think of that senior citizen on a fixed income trying to bear the burden of the new rising energy costs contained in this bill.

The cost of energy impacts every job, every family in West Virginia. The rising cost of gasoline is consuming a greater portion of our family budget. This bill is not the answer.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 2 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, in less than 12 months this Congress will do what previous Congresses have failed to do for 32 years. Today, after 32 years of failure, we can take America's energy policy in a new direction. And that failure was through Democratic Congresses and Republican Congresses alike.

Today this House has the opportunity to pass modern energy legislation that will accomplish a hat trick. It will make our vehicles more fuel efficient, help limit our dependence on foreign oil, and protect our environment, all in one act.

The new fuel efficiency standards will save the American family up to $1,000 a year for gas at the pump.

More importantly, this bill offers us an opportunity to look to the future and prepare for it. Make change an ally, rather than an adversary.

Each and every one of us knows, Democrat and Republican alike, that our Nation consumes too much energy. We know that we are dangerously dependent on an unstable region of the world and we know that this isn't news to anybody here, and we have recognized these facts for years. But when faced with this problem, we, as a country, have turned our back on that problem, hoping it will go away. This legislation allows us to face those challenges head on and prepare for America's future.

Mr. Speaker, the problem will not go a way, and today we have a chance to confront it when faced with the facts and vote to make our Nation more secure, reduce oil consumption, and finally plan for a more energy-independent future.

We can bury our heads in the sand and hope the problem disappears, or we can take action today and prepare for the future and make the challenges of America's future an opportunity for industry, for new jobs, for new businesses and, most importantly, for foreign policy and national security policy that is less dependent on an unstable part of the world.

I am proud that today we are taking action that for 32 years past Congresses failed to meet and challenge. By finally having the fuel efficiency standards that are modern and look to the future, America is taking a step that's important for its security. We will do in 12 months what has failed to have been done for 32 years.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 1 minute to a member of the Energy and Commerce Committee, Mr. RADANOVICH of California.

Mr. RADANOVICH. Mr. Speaker, we could spend all day talking about the shortcomings and faults of this legislation, not to mention the process under which it came to the floor. However, the most glaring and ironic dominance from this energy bill is the lack of production of energy.

What we need to be discussing is a sound and realistic energy policy that is going to help America become energy independent. This means increasing domestic energy production by expanding oil and gas exploration on the Outer Continental Shelf at Alaska, not taxing oil companies $20 billion simply because they're in business. We need to increase research and provide incentives for oil, shale, and coal-to-liquid technologies. Coal is one of the country's most abundant natural resources, and recent estimates of oil shale in Colorado, Wyoming, and Utah could provide us with over 800 billion barrels of recoverable oil.

What about refining capacities? We have not built a refinery in this country in over 30 years, and our current refineries are operating near maximum capacity.

The bottom line is this legislation falls short of what the American people expect of our leaders in Washington. This Congress has a responsibility to do better. I urge a ''no'' vote.

Mr. BOUCHER. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

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Mr. VAN HOLLEN. Mr. Speaker, this bill charts an ambitious, necessary and long-overdue new direction for energy policy in the United States.

After more than three decades, we increase fuel economy standards for cars and trucks, a commonsense step that will save $1,000 for American families at the pump, that will reduce greenhouse gas emissions by the equivalent of taking 28 million cars off the road, and by reducing our oil consumption by half, half, of what we import from the Persian Gulf.

We have made in this bill an historical commitment to homegrown biofuels by boosting the renewable energy standards. We are enlisting America's families and farmers to build a sustainable clean energy future and have done so in a way that also protects our environment, like the Chesapeake Bay watershed.

To unleash the economic environmental benefits of our rapidly growing renewable energy industries, we include a strong renewable electricity portfolio standard that will reduce greenhouse gases and save consumers money.

We also include a fully paid-for $21 billion incentive package that redirects $13 billion in antiquated subsidies to our already profitable oil industry toward clean, green technologies.

To those who are thinking about voting against this bill, I would ask what kind of signal does that send to America? That the Congress thinks it's more important to continue yesterday's billion dollars of subsidies and giveaways to the oil and gas industry rather than invest in clean technologies? That we should wait another 30 years before making commonsense improvements in our fuel economy standards? That we should sit idly by while our national security is increasingly undermined by our addiction to foreign oil? Is that the message you want to send to America?

Refusing to act now would be irresponsible. Moreover, failing to see the opportunities that this bill brings and the challenges we face is contrary to the can-do American spirit that has propelled our Nation from the beginning.

Let's build a better tomorrow. Let's start with this bill and a new energy policy.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, we have before us a bill that has not gone through the regular process in the House of Representatives. That almost goes without saying. This is not a conference report. It is the result of some negotiations primarily between select Members of the majority here in the House and the majority in the Senate. It does put this Nation on a different path. It puts us

on a path of moving away from market-based, free capital energy production to government mandates. Now, that may be what the majority of the House of Representatives wants to do, but I don't think it is what the American people want to do.

We have a 36 billion biofuels mandate with submandates for separate categories of biofuels that under current technology simply doesn't exist, can't be met. We already have an ethanol mandate from the Energy Policy Act of 2005 that has exceeded its wildest expectation in terms of spurring incentives for ethanol. In fact, it's been so successful, the price of corn has doubled and cattle producers and chicken producers, hog farmers are having trouble buying feed for their animals because of the increase in the price of corn.

We have a mandate in this bill for Federal energy efficiency building code standards with the goal by a date certain of having most buildings in the United States on a net basis not using any energy at all. There doesn't appear to be a cost-effective benefit analysis requirement in that particular mandate.

As I have already said, we have the mandate to increase fuel efficiency for our cars and trucks to 35 miles a gallon by the year 2020. It does maintain a separate standard for trucks and cars. We need to thank Chairman DINGELL for making that happen in negotiations with the Senate. But this mandate is technically possible to meet. Keep in mind that under current regulations there are only eight cars and trucks in the United States that meet 35 miles to the gallon. We are certainly going to raise the price of cars and trucks and probably reduce the amount of jobs in this country that are effective in the automobile assembly and manufacture and their vendor components industry. We have appliance standards.

I could go on and on, Mr. Speaker. Suffice it to say I don't think the country wants the government controlling energy, and that's what this bill leads us to. I hope we would vote against it.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, first of all, I would like to express my deep appreciation and gratitude to the Speaker of the House of Representatives, NANCY PELOSI; and to Chairman JOHN DINGELL for bringing to the floor of this House of Representatives the most productive and forward-looking piece of energy legislation that we have seen in this Congress now in 30 years.

We are increasingly dependent upon energy from outside of America. In our country, we possess less than 3 percent of the known oil reserves around the world; yet on a daily basis, day after day, year after year, we are using 25 percent of that which is used, and that number is increasing. As a consequence of all of that, the price of energy has gone up to heat American homes, making it more and more difficult for the economic circumstances of families all across America and for transportation.

Over the course of the last 7 years, the price of gasoline has increased by more than four times. It has more than quadrupled over the course of the last 4 years. And a lot of that has to do with the energy legislation that has been produced by the minority party over the course of that time in connection with the White House.

This legislation begins to alter all of that. It begins to move us to a point where we can begin to be more energy independent by focusing our attention and our resources on renewable, alternative forms of energy, particularly solar energy.

It's interesting that Thomas Edison, one of the first energy producers in our country, made the observation that solar energy is the most productive, the most sustainable, and the one that we are going to have to depend on. And he said that an awfully long time ago. It ought to be clear to us now—he was right then, he is more right now.

And that's what this legislation does. It moves us toward energy independence. It allows people and corporations to produce energy through alternative means, particularly solar. That, in and of itself, is going to mean a huge economic improvement for our country and the production of hundreds of thousands of jobs.

Let's all pass this legislation. It is very much needed.

Mr. BARTON of Texas. Mr. Speaker, I believe I have 4 minutes remaining, 1 of which will be used by the minority leader to close. My other speaker, Mr. BLUNT, is not on the floor, so I would reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I would say to the gentleman from Texas that on our side, we only have one speaker remaining and then a speaker who will close. And so hopefully your speaker before your closer will appear.

Mr. BARTON of Texas. Mr. Speaker, in the interest of comity, the Republican whip is not on the floor, so I yield myself 3 minutes.

Mr. Speaker, I want to talk about the renewable portfolio standard that is in the bill. This would require investor-owned utilities in the country to generate 15 percent of their electricity by renewable means by a date certain. And there was a phase-in so that beginning, I believe, in 2010 or 2011 there is a cascade stair step that each year they have to meet a higher percentage. Information that we have received from the Department of Energy indicates that of the 50 States, there are only seven that currently meet that requirement. Those are Alaska, Maine, Montana, Nebraska, Oregon, Tennessee, Washington, Vermont, and California. There is another handful of States that come close: North Dakota, New Hampshire, Wyoming, New Mexico, Idaho, South Dakota, Alabama, and Iowa all meet within 10 percent to 8 percent. The rest of the States, which is approximately 40 States, don't even come close, and some of them, like Delaware and Missouri, are at 0 percent.

So you would think that a 15 percent requirement might be doable. The problem is definitional, what is defined as ''renewable.'' New hydro is not defined as renewable. New nuclear is not defined as renewable. New clean coal technology is not defined as a renewable. So it has to be from geothermal, wind power, solar power, or biomass or hydro refitting. Now, when you look at it in that regard, this 15 percent requirement in certain parts of the country is almost impossible to meet.

To compound the problem, the legislation before us says that States that don't meet the requirement can't go out; they can only buy credits to offset that requirement. I believe it says up to 27 percent of their amount that they have to meet. So you are going to put a State like Florida, a State like Georgia, some of the States that are at the lower end of the curve, Arizona, Indiana, Ohio, West Virginia, Illinois, Utah, Maryland, New Jersey, Kentucky, Pennsylvania, Rhode Island, these States are all somewhere between 0 to 2 percent. They're simply not going to be able to do it. They are not going to be able to do it.

So while a renewable portfolio standard for electricity generation might seem like it's a wise idea in principle, when you put it into actuality, it is going to be almost an impossible idea to meet. And this bill says ''tough.'' So I would hope that we vote ''no'' on the bill.

Since January the process for energy legislation has been a disgrace. H.R. 6 was never considered by any Committees, no hearings no mark-ups. H.R. 3221, a second try at an energy bill, was also bad. Only hours notice of the bill before mark-up; limited floor amendments; many bad provisions never considered in hearings; final passage on a Saturday with many members absent.

The process since then has been far worse. I am aware of no Member discussions since August 4. If they have taken place no Member on my side of the aisle was invited or informed. The result: the terrible legislation before us today.

The Pelosi ''energy bill'' consciously raises consumer costs for fuel, vehicles, and electricity while reducing consumer choices. It favors a few special interest investors at the expense of ordinary Americans and the U.S. economy.

On CAFE: The bill raises fuel efficiency standards so high that consumers will face only three possible consequences: far smaller cars and trucks, far more expensive cars and trucks, or—more likely—both.

I'm told that all but 8 out of some 350 models currently available in American showrooms would be banned from the market as the new fuel standards fully phase in. Moderate income consumers will be hardest hit. They don't buy hybrids today because the multi-thousand dollar premium for electric hybrid technology cannot pay for itself in fuel savings, even at today's sky-high fuel costs.

Because consumers will prefer their older vehicles that match their needs better than the

new car inventory, they will postpone trading in as long as possible. New car sales will plummet; manufacturing companies and their employees will suffer. The ones who won't agree are simply in denial.

On renewable fuel mandates: The levels of corn-based and other biofuels required to be part of the U.S. fuel mix will drive up all fuel costs dramatically, even over today's high prices. Diverting corn from food and feed use to fuel has already cost consumers plenty in rising chicken, turkey, beef, and soft drink prices. This bill will only make that problem worse.

It also mandates advanced biofuels that exist today only in laboratories and which may never be commercially available. It's like passing a law mandating that a horse not even born yet grow up to win the Kentucky Derby. The only way to do that is to bar other horses from the competition, as this bill does.

On the Renewable Electricity Mandate: The bill would require electric companies across the United States (except in Hawaii and Alaska—they have special carve-outs) to generate 15 percent of their power from "renewable energy."

States that have the natural renewable resource base needed to meet such mandates already have them under state law. Remaining States that cannot meet the standard will have to buy their way out at consumer expense, as the bill provides.

While the bill has some non-controversial energy efficiency provisions some sections are particularly harmful to consumers and small businesses.

A section on regional standards for HVAC equipment would authorize DOE to create a program that could lead to penalties and lawsuits aimed at the small businesses in every Congressional district that install and repair our air conditioners and heat pumps.

The punishment would likely kick in if the repairman installs, the wrong air conditioner, e.g., a Georgia-rated air conditioner on the wrong side of the Florida state line. It would dictate efficiency levels by state or region without regard to price, size, or even energy savings payback.

Another provision gives DOE authority to dictate energy efficiency standards for manufactured housing. HUD already has a successful program that is improving efficiency while keeping manufactured housing affordable.

DOE's "price-is-no-object" track record on energy efficiency could mean that manufactured housing will no longer be affordable for the moderate income Americans who rely on it today. And jobs will be lost.

Bad as the bill was that passed the House on August 4, this one is far worse. Vote "no", do not be tempted.

Mr. BOUCHER. Mr. Speaker, I yield myself 1 minute.

On the subject of the renewable portfolio standard, the gentleman from Texas and I are actually in bipartisan agreement. And while I strongly support the legislation before us and have urged and will urge the House to pass this bill because of the many improvements that it makes in national energy policy, I share the gentleman from Texas's concern about the renewable portfolio requirement.

The fact is that there are places in the United States where the renewable resources are simply not found in sufficient quantity to meet that requirement. In the southeastern U.S., for example, there is a deficiency of both wind and solar potential, and these are the two renewable resources that are most prominently used across the United States.

The requirement that is before the House in this bill, frankly, is not broad enough in terms of the list of fuels that it makes eligible to meet the mandate. And there are States such as Pennsylvania that have made eligible a far broader range of fuels.

So this provision really does need more work, and it would be my preference that it's not here. But notwithstanding its presence, this is good legislation and the House should approve it.

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

CALL OF THE HOUSE

Mr. BOUCHER. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The previous question being ordered, the Chair notes the absence of a quorum in accord with clause 7(c) of rule XX and chooses to entertain the motion for a call of the House pursuant to clause 7(b) of rule XX.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1139]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
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
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
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
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
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, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
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Shea-Porter
Sherman
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Upton
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Whitfield
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Wilson (NM)
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Young (FL)

□ 1451

The SPEAKER pro tempore. On this rollcall, 380 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. BARTON of Texas. Mr. Speaker, to close debate on the minority side, I

yield 1 minute to the distinguished minority leader from the Buckeye State of Ohio, the Honorable JOHN BOEHNER.

Mr. BOEHNER. I appreciate my colleague for yielding, and Ohio State will be in the national championship on January 7. And we look forward to dealing with our colleagues from Louisiana.

Mr. Speaker, my colleagues, there has been a lot said on the floor today about the national energy crisis that we face. We know that it jeopardizes our national security, we know that it jeopardizes our own economy and American jobs here at home, and this is an issue that the American people are very concerned about. We have got rising gasoline prices. We have got home heating oil prices and gas prices for this winter that are really going to hurt the American families' budget. So we have a crisis that deserves our response and our collective efforts. But what we have here today is a bill that was written in secret, written by a handful of people on the majority side in each Chamber that we didn't see until last night. Nobody knows what is in this bill because nobody has had time to read it.

One thing that is in here that I think is something that certainly will be useful is the CAFE agreement that Mr. DINGELL and others reached that will give us more efficient cars in the future and done in a practical way to help domestic manufacturers and the consumers in America who are going to have to pay for this.

But we know what is not in it. There is nothing in here that is going to lower gasoline prices in America. There is nothing in here that is going to help American families deal with the heating costs they are going to have this winter. There is nothing here in this bill that is going to increase domestic production of energy. And at the end of the day, if we are very serious about solving the energy crisis in America, we have got to deal with conservation. We have got to deal with alternative sources of fuel. We have to deal with increased production here in the United States, and my goodness, why won't we talk about nuclear energy on the floor of the House of Representatives of the United States when we know that it is the cleanest source of fuel for our future? But it is not in here.

Now, I did find some other things that were in this bill. Earmarks. Oh, yeah, we have to have earmarks. If we are going to move a piece of legislation, we have to take care of a few people. So I found $161 million in here for the Plum Creek Timber Company's Montana land holdings for native fish habitat conservation. I didn't know that fish lived in trees. We have $2 billion earmark in here from our good friend from New York City to help New York develop a rail line from the JFK Airport to Lower Manhattan. That's something I am sure my constituents want to pay for.

One of the better issues in here, though, is the $3 billion slush fund, $3 billion of our money that we are going to give to cities and counties around America for green projects, except the definition is so wide that they can do almost anything, like some city can decide they are going to finance Al Gore's speaking tour to promote his book, ''An Inconvenient Truth,'' or maybe Beverly Hills will replace their police cars with Lexus hybrids. Certainly it would count if you look at the bill. We could be buying some energy-efficient hybrid snowmobiles for Aspen or Snowmass or any of those places. All that would be allowed under this provision. Or we can even use some of this money to finish the rain forest that we are building in Iowa. This is not where the American people want their money to go to.

Although this is not an earmark, what I really liked in the bill was the $240 tax credit that we are going to provide every 15 months for people who regularly ride their bike to work for the purchase, repair or storage of their bicycle. Now, amongst us, I know there is one of my colleagues that would probably benefit from this. I hope he is going to recuse himself when we vote. This is not going to solve America's energy problem. I think that we ought to get serious as a country about energy independence and saving our future and the future for our kids.

But while we are here dealing with this bill that doesn't frankly do much and will not solve our problem, think about what we haven't done. You know Christmas is right around the corner for some of you that haven't realized it. The majority leader said yesterday that we would be out by next Friday. The gentleman from Maryland yesterday, the majority leader, said we would be out by December 14. Now, first, I wanted to say ''Ha-Ha-Ha,'' but then I began to realize we are close to Christmas so I thought, well, ''Ho-Ho-Ho'' might be more appropriate. Now there is not a chance that that is going to happen.

We haven't dealt with the AMT problem. We are about to put 23 million Americans under the alternative minimum tax that have never been there before. We have not done anything to fund our troops or our veterans that are about to run out of money. Men and women in the military, in Afghanistan and in Iraq, are out there fighting to protect the American people. We have not dealt with that funding. We have not dealt with 11 of the 12 appropriation bills that should have been done by October but, you know, we were going to get them done by Thanksgiving, and here it is, December 6, my wife's birthday, RAY LAHOOD's birthday, December 6, and we still haven't done 11 of the 12 appropriations bills. Yet none of this is finished at a time when we ought to be getting serious about getting our work done.

So I would ask my colleagues, let's get serious about energy independence. Let's get serious about what we need to do as a nation to solve the future for our kids and theirs. And until we get serious, I think we should vote ''no'' on this bill.

But I would implore my colleagues to also realize that our constituents are looking for us, our families are going to be looking for us soon, and it is time for us to wrap up our work but get our work finished, because the American people expect it.

□ 1500

Mr. BOUCHER. Mr. Speaker, to close debate on our side, I am pleased now to recognize for 1 minute the very distinguished Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, this is a very important day for our country, a day in which this Congress can declare itself a Congress for the future, a Congress for America's children.

Earlier today, some of you saw me reference this baseball signed by Bobby Thomson: ''The shot heard round the world,'' October 3, 1951, a historic day in baseball. When he signed this baseball, he referenced a phrase used by Ralph Waldo Emerson referencing the shot fired at Concord, which began the Revolutionary War, the fight for American independence. If Bobby Thomson could reference a shot heard round the world, we should indeed be able to do it today. This vote on this legislation will be a shot heard round the world for energy independence for America.

I want to thank some of the people who made this possible. As many of you know, at the beginning of this Congress, our Chairs of the appropriate committees were tasked to prepare legislation to be ready to be introduced by the Fourth of July, our Independence Day. They did so, and on June 30, in preparation for the Fourth of July weekend, we introduced our legislation.

I want to begin by thanking Mr. DINGELL for his exceptional leadership as Chair of the Energy and Commerce Committee. This bill is about America's national security. Mr. DINGELL has always been about that. He has dedicated his life, starting in World War II, in his public service for our country. Thank you, Mr. DINGELL.

Another great veteran in this arena, Mr. RANGEL, a veteran of the Korean War, was an important part of this legislation with the pay-fors from the Ways and Means Committee. Thank you, Mr. RANGEL.

Earlier you heard from Mr. OBERSTAR and the important work he is doing with the greening of America's Federal buildings and many other resources. Thank you, Mr. OBERSTAR. Mr. WAXMAN of Oversight and Government reform; Mr. MILLER of Education and Labor, where we are having our green jobs initiative; Mr. RAHALL from Natural Resources, making an important contribution to this legislation; Mr. LANTOS from Foreign Affairs; Mr. GORDON from Science, the Science and

Technology Committee has been central to this legislation; Mr. PETERSON from the Agriculture Committee. America's farmers will fuel America's independence. We will send our energy dollars to the Midwest, not the Middle East. Congresswoman VELÁZQUEZ from Small Business, where small businesses will be the incubator of this new economy. Thank you, Chairwoman VELÁZQUEZ. And Congressman MARKEY of the Select Committee, thank you also for your tremendous leadership for over 30 years on this issue.

I mention all of my colleagues, these chairmen, not only to salute them, but to say they started a process over a series of months where practically every member of these 11 committees of Congress had an opportunity, Democrats and Republicans alike, to weigh in on the initial legislation, which was introduced in time for the Fourth of July, as promised, and which was passed by this Congress in the first week of August; and it is the follow-up on that legislation that we are voting on today.

It is a part of our first 100 hours. As we near the end of this session of Congress, we can harken back to that first 100 hours, our Six for '06. Our first piece of legislation was about how we protect America, passing the 9/11 Commission recommendations. I am so pleased that that was passed with strong bipartisan support in this House and was signed by the President.

The minimum wage was passed with strong bipartisan support in this House of Representatives and was signed by the President.

Making college affordable, the biggest package for college affordability since the GI Bill of Rights in 1944, passed by the Congress, signed into law by the President.

The biggest legislation for ethics reform in the history of the Congress, bipartisan majority, strong overwhelming support, and signed into law.

In the course of time, passing Mr. GORDON's bill, our commitment to competitiveness to keep America number one, the Innovation Agenda, the COMPETES Act, overwhelming majority, bipartisan majority, signed into law by the President.

I mention all of these because they have bearing on what we are doing today. It is about our national security, it is about jobs and the economic security of our country. It is about the environment, and therefore it is a health issue. It is a moral issue. With all that I have said, that is why we have scientists and evangelicals, we have business and labor, we have the environmental community, all strongly supporting this legislation.

And here are some of the reasons why. I will give you their words. Over 20 generals have signed a letter saying that we have to move in this direction in terms of reversing global warming. But, very specifically, the other day we heard from Admiral Denny McGinn, and he said this: ''Our dependence on foreign oil is a clear and present danger to Americans. Your vote for tough fuel economy standards is a vote for increasing our safety and our well-being.'' This is a national security issue.

It is an issue that relates to our environment and therefore the health of our children. That is why the Pew Charitable Trusts for Fuel Efficiency wrote: ''If the House and Senate finally approve this and the President signs it, they will have done more for consumers at the pump than any Congress or administration since the 1970s.'' They were referencing also the fact that the consumers will save $700 to $1,000 as a result of this bill, per year. And over a period of time until 2020, they will save $22 billion. That is why the Consumer Federation of America is supporting this bill. It is about American jobs.

The president of the Alliance of American Automobile Manufacturers wrote: ''We believe this tough, national fuel economy bill will be good for both consumers and energy security. We support its passage.''

I could submit for the record a long list of representatives of the business and labor community who are supporting this legislation.

And labor, the legislative director of the UAW, Alan Reuther, says: ''We believe that this historic measure will provide substantial energy security and environmental benefits for our Nation while protecting and expanding jobs for our workers.''

The list goes on. National security, jobs, the environment, the health of our children, and the future of this planet, as well as the consumer benefits. It is, again, a historic day because it has been so long since we have come to the place where we are, as has been said, over 30 years since we have addressed this issue in this substantial way in the Congress of the United States.

The point of this is, are we about the past or are we about the future? I hope that we can have strong bipartisan support for this legislation. We were able to accomplish in this 12-month period, as Mr. EMANUEL said, in this 12-month period, what was not done in 32 years in the Congress of the United States.

So, my friends, I ask you to think about this vote and take great pride when you cast a ''yes'' vote. Many of you are far away from your legacy, but when that day comes, I hope you will consider this day a part of that legacy when you made history in this Congress of the United States. And not only did you make history; you made progress for the American people. They are watching to see what we do. This legislation is as immediate to them as the price at the pump that they face when they fill up their tanks. It is as immediate to them as heating their homes. It is as global as preserving this planet.

If you believe, as do I, and I think all of us do, that this is God's creation and we have a moral responsibility to preserve it, that is why we have strong support from the religious community, including the evangelical community, then I hope you will take this act of faith today to make history and to make progress for the American people, especially to declare this the Children's Congress.

Thank you, my colleagues. I urge a ''yes'' vote.

Mr. SHAYS. Mr. Speaker, I support H.R. 6 and am excited Congress is considering legislation that finally recognizes the energy demand course we are on is simply unsustainable if we do not take control of our over-consumption.

The fact is, with only 3 percent of the world's oil but 25 percent of its use, the U.S. can never drill our way to energy security. I am glad to be supporting policy that reduces the demand for oil by emphasizing conservation. Only by creating a forward-looking energy policy that reduces demand for energy, and in particular oil, will we be able to lower gas prices.

I am pleased this bill requires a fleetwide corporate average fuel economy standards for cars, sport utility vehicles, work trucks, and medium and heavy duty trucks of 35 miles per gallon for cars and SUVs by 2020. In my view, this is the least we can do. While I would prefer to attain a higher standard sooner, I am pleased we are taking the first congressionally mandated increase since 1975.

I believe raising CAFE standards is one of the most significant steps we can take as a nation to reduce our dependence on foreign oil, improve our national security, and protect our environment and economy. Even a modest increase in CAFE standards would save more oil than would be produced by drilling in the Arctic National Refuge.

I am also very grateful that the legislation will build a market for renewable energy and alternative fuels. Requiring at least 15 percent of electricity be produced from clean, renewable sources of energy like wind and solar by 2020 seems common-sense to me, and the 36 billion gallons of biofuels, such as ethanol and biodiesel, to be blended with gasoline by 2022 should make us less dependent on the Middle East for oil.

I also believe the extension of important tax credits for renewable energy production including wind, solar, geothermal, and biomass technologies will continue advances being made in these fields.

Ms. SCHAKOWSKY. Mr. Speaker, last November, the American people voted for change. They were frustrated with the direction our nation was taking and felt that we needed to set a new course. I am so proud to stand before you to say to my colleagues and most importantly the American people, that today we begin to chart that new course on energy policy.

For the first time in over 30 years, the House of Representatives will pass a significant energy bill—one that reduces our dependence on foreign oil. Our addiction to oil has compromised our national security and causes tremendous damage to our environment.

While there are many things to be proud about in this bill, there are two that I would like to highlight. The first is the new fuel economy standard. Today, the average price of gasoline

in the United States is well above three dollars. This puts a tremendous strain on the American people, who in many instances have no option aside from driving to get to work or bring their children to school. Today we pass a bill that raises fuel economy standards to 35 miles per gallon by 2020 for new cars. This provision alone will save American families between $700 and $1000 per year, by making their cars run more efficiently. It will also reduce oil consumption by 1.1 million gallons per day in 2020, approximately half of what we import from the Persian Gulf. This will reduce our dependence on oil which comes from the Middle East and politically unstable nations.

In addition to raising CAFE standards, the Energy Independence and Security Act also makes a commitment to integrate renewable energy sources into our supply. This commitment comes at precisely the right moment for America. We are at the precipice of developing new technology that will allow our nation to produce alternative energy more efficiently. In order for this development to be realized, however, we must guarantee a demand for the product. That is why the inclusion of a renewable portfolio standard is so important. It creates the demand necessary to spur development. The bill requires utility companies to generate 15 percent of electricity from renewable sources by 2020. This will mean major investment in products made throughout the country, like ethanol in my home state, wind farms in California, and solar harnessing technology in Florida that will create new jobs and facilitate economic growth.

As important as the Energy Independence and Security Act is, it is just the first step and the road in front of us is long. We need an energy program that matches the scale of the threat we face. We will continue to build on the momentum we are creating and I look forward to the day when I can stand before you and say that the United States is completely energy independent.

In conclusion I would like to thank the Speaker and Chairman DINGELL for their leadership on this bill throughout the process. We would not be here today without them.

Mr. CONYERS. Mr. Speaker, I rise today in strong support of The Energy Independence and Security Act of 2007. This agreement with the Senate builds on the New Direction for Energy Independence, National Security, and Consumer Protection Act passed this summer. The ambitious legislation before us today, which includes wide-ranging solutions from 10 House committees, invests in the future of America and puts our nation on a path towards energy independence. It will strengthen national security, lower energy costs, grow our economy, create new jobs, and begin to reduce the threat of global warming.

With this legislation, Congress is taking groundbreaking steps to address the crisis of climate change. The bill will increase the efficiency of our vehicles. It makes an historic commitment to American-grown biofuels and requires that 15 percent of our electricity come from renewable sources. The legislation strengthens energy efficiency for a wide range of products, appliances, lighting and buildings. It also repeals tax breaks for big oil companies, and invests that money in clean renewable energy and new American technologies. Not only will these measures reduce our dependence on foreign oil and grow our economy, they will also save consumers billions of dollars.

The Energy Independence and Security Act includes several provisions that will strengthen our national security by decreasing our dependence on foreign oil. I am particularly pleased about the compromise that was reached on fuel economy standards, raising standards for new cars and trucks to 35 miles per gallon by 2020. The bill ensures that this fuel economy standard will be reached, while offering flexibility to automakers and ensuring that we keep American manufacturing jobs and continue domestic production of smaller vehicles. I want to applaud Speaker PELOSI and Chairman DINGELL for reaching an agreement that is supported by both environmentalists and the automobile industry.

The legislation before us today also reduces our dependence on foreign oil. The initiative includes a historic commitment to American biofuels that will fuel our cars and trucks. It includes critical environmental safeguards to ensure that the growth of homegrown fuels helps to reduce carbon emissions and does not degrade water or air quality or harm our lands and public health. The plan establishes a plug-in hybrid/electric vehicle tax credit for individuals and encourages the domestic development and production of advanced technology vehicles and plug-in hybrid vehicles. It also includes tax provisions totaling approximately $21 billion—which includes the repeal of about $13 billion in tax subsidies for Big Oil.

The Energy Independence and Security Act will help lower energy costs by promoting cleaner energy, greater efficiency, and smarter technology. It requires utility companies to generate 15 percent of electricity from renewable sources—such as wind power, biomass, wave, tidal, geothermal and solar—by 2020. The bill includes landmark energy efficiency provisions that will save consumers and businesses hundreds of billions of dollars on energy costs by requiring more energy efficient appliances, such as dishwashers, clothes washers, refrigerators and freezers. It requires improved commercial and federal building energy efficiency and assists consumers in improving the efficiency of their homes. The bill also strengthens and extends existing renewable energy tax credits, including solar, wind, biomass, geothermal, hydro, landfill gas and trash combustion, while creating new incentives for the use and production of renewable energy, as well as supporting research on solar, geothermal, and marine renewable energy.

The energy bill will help create new American jobs and reduce the threat of global warming. The landmark fuel efficiency standard, renewable electricity standard and energy efficiency provisions will not only save consumers and businesses money, but will also significantly reduce carbon dioxide emissions. In addition, this package creates an Energy Efficiency and Renewable Energy Worker Training Program to train a quality workforce for ''green'' collar jobs. These investments in renewable energy could create 3 million green jobs over 10 years. The bill helps small businesses lead the way in renewable energy by increasing loan limits for purchasing energy efficient technologies. It rewards entrepreneurship in the energy sector by increasing investment in small firms developing renewable energy solutions. This initiative also takes aggressive steps on carbon capture and sequestration to come up with a cleaner way to use coal.

For too long, our country has lagged behind the rest of the industrialized world in recognizing and taking action to address the climate change crisis. Global warming endangers all of us, but threatens to have the most devastating impact on the poorest and the most vulnerable. Our nation is the richest in the world and one of the largest contributors to global warming, yet, until today, it has not made any substantial efforts towards addressing the problem. I am proud to join with my colleagues as we at long last put America on the path to becoming part of the solution.

Mr. CASTLE. Mr. Speaker, with ongoing high oil and gasoline prices and the conference on global climate change taking place in Bali, the time for making investments to secure our energy future is now.

H.R. 6 is a strong first step toward reducing our dependence on fossil fuels, which is a real security concern, addressing climate change, and protecting public health, while saving consumers money on energy bills and providing business opportunities in the energy market, which will stimulate economic growth and create new jobs. But we must not stop short of addressing climate change. Scientists say that if we are to have a good chance of avoiding potentially catastrophic repercussions of climate change, we must reduce emissions 60% to 80% 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 her commitment to address this critical issue.

The Energy Independence and Security Act, includes many provisions that I have previously supported in earlier iterations of the legislation in January and August. It increases the fuel economy for automobiles to 35 miles per gallon by 2020, requires that 15% of our electricity come from renewable energy sources by 2020, includes important energy efficiency provisions for buildings and appliances, a renewable fuels standard with safeguards under the Clean Air Act with specific incentives for cellulosic biofuels, and continues and makes new investments in renewable energy production through the repeal of subsidies for the oil and gas industry.

For the first time in 30 years, the bill ensures that our automobiles go farther on a tank of gas by raising fuel efficiency, or CAFE, to 35 miles per gallon by 2020, which is both aggressive and something manufacturers feel they can achieve. This is an historic achievement. With close to $100/barrel oil, $3.00 a gallon gasoline, and a nearly one billion dollar deficit in our balance of trade from oil imports makes increasing our fuel economy so critical. I have long believed that reasonable CAFE standards are both achievable and practical and 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 have differed greatly, I am pleased to support the agreement Congress has reached.

Another key measure is the requirement of a 15 percent national renewable electricity standard, which will help lower energy costs, create new jobs and help diversifying our energy portfolio 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 and effort to harness offshore wind energy, this compromise will go a long way in helping to keep our air and water clean and in our effort to address climate change.

Finally, I strongly support the key tax provisions, such as the 4-year extension of production tax credit for qualified renewable energy, like wind, and credits for residential efficiency measures, that will help us make strong investments in clean, renewable energy sources, and help address affordability and availability.

Mr. WYNN. Mr. Speaker, today, we are doing something great for America.

This bill makes major strides towards addressing our country's growing energy demands. And it makes great progress towards a brighter and more renewable future for America's children.

Energy is what drives the American economy. It is what keeps the lights on. But our use of fossil fuels is warming the planet, and may have catastrophic effects on our children and grandchildren.

First, we must conserve energy. For the first time since 1975, Congress is acting to require higher fuel economy for new vehicles. This will save American consumers money, and make American car manufacturers more competitive in the global marketplace.

The bill also requires that we begin to generate a significant amount of our electricity—15 percent by 2020—from renewable sources like the sun, wind, and water. The significance of this mandate is that it will encourage the development of a greener economy by creating incentives for the advancement of alternative energy sources.

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS

Energy conservation must be a natural partnership involving Federal, State and local government.

This bill contains a provision based on legislation that I introduced to this House back in May as H.R. 2447, the Energy and Environment Block Grant Act. This provision creates an Energy Efficiency and Conservation Block Grant program that will help take on the problem of global warming at the local and community level.

The bill authorizes $10 billion in local assistance to cities, counties, and States to continue working to reduce energy usage, increase our efficiencies, and conserve valuable energy resources.

EECB Grants will give local governments funding and assistance to: implement energy conservation programs for homeowners and businesses; reduce vehicle usage through smart planning, traffic flow improvements, and telecommuting; increase material conservation; and locally generate energy with renewable energy technology like solar, wind, and fuel cells.

The program will: help create and grow new energy-efficient communities; foster a nationwide market for renewable and efficient technologies; and achieve significant energy savings across this country.

HEALTHY HIGH-PERFORMANCE SCHOOLS

I am also proud to support the bill's provisions on Healthy High-Performance Schools. On any weekday, 20 percent of America is in a school building. Yet, schools are often sited next to abandoned landfills or industrial facilities.

According to a 2002 five-state survey, more than 1,100 public schools were built within a half-mile of a toxic waste site. Lead in paint and drinking water, toxic chemical and pesticide use, polluted indoor air, radon, asbestos, and mold are also factors that impact the health of our children, teachers and staff in schools environments.

According to the EPA, studies show that one-half of our nation's schools have problems linked to indoor air quality. Asthma is the leading cause of school absenteeism due to chronic illness and it is also the leading occupational disease of teachers.

The Energy Security and Savings Act's provisions on Healthy High-Performance Schools amend the Toxics Substances Control Act to promote the development of healthy school environments that are free of environmental hazards and establish a grant program for states to design healthier, more energy efficient and environmentally safe facilities.

I know this bill has opposition on many fronts. But I believe it is an important step for our country to take towards a better and more sustainable future.

I urge my colleagues to support this important bill.

Ms. ESHOO. Mr. Speaker, this is the first forward-looking energy bill to come before Congress in a generation and it is sorely needed because our nation and our planet are at risk because of our dependence on fossil fuel. We are doing nothing less than asserting America's leadership in solving our own and the world's most significant energy and environmental problems.

Today, our national security is at risk because the U.S. is increasingly beholden to foreign governments for the energy that fuels our economy, and greenhouse gas emissions are contributing to greater global insecurity due to changes in the climate and their repercussions. Consumers see the effects of dependence in their pocketbooks each time they fill up. Our interests in the Middle East are dictated by our need for oil. Throughout the world we see the environmental impact of the dependence on fossil fuel on our environment ... whether it's an oil spill or more intense hurricanes or droughts.

Today we're taking a historic step in changing this dynamic.

The auto fuel efficiency provisions in this bill reduce our oil consumption by more than 4 million barrels per day by 2030—more than twice the amount of oil we currently import from the Persian Gulf.

The bill will also reduce global warming pollution by the equivalent of 300 coal-fired power plants. By 2030 we will cut emissions by up to 35 percent of what scientific experts say we must achieve to prevent climate catastrophe.

Many said it would be impossible to reach agreement on raising fuel economy standards and requirements for renewable energy, but this bill delivers.

It raises fuel economy standards for cars and trucks to an average of 35 miles per gallon by 2020, reducing greenhouse gas emissions by the equivalent of 28 million cars, and saving consumers up to $1,000 once it is fully implemented.

The bill also requires 15% of the electricity produced in the U.S. to be generated from renewable resources, and it sets goals for the use of renewable fuels—36 million gallons by 2022.

These are enormous steps, and combined with provisions on energy efficiency, including a provision I authored on computer data center efficiency, this bill will reshape energy production and consumption. It will foster the development of new energy development that could make the U.S. an exporter of energy technology instead of an importer of oil and gas.

This is the bill I've been waiting 15 years to vote for and I'm thrilled the moment has arrived.

Mr. HERGER. Mr. Speaker, when our constituents tell us to ''do something'' about gas prices, they don't mean ''Make them higher.'' This bill has some attractive elements, but they're overwhelmingly weighed down by bad policy, creative accounting and tax increases, none of which gets close to fixing the energy problem we face.

Record high gas prices are due to growing demand, constricted supply, and over-reliance on oil from unstable regions of the world. Yet this bill penalizes U.S. producers.

Mr. Speaker, families in Northern California won't see reduced prices at the pump if Congress raises billions in new taxes on those who discover, refine and deliver our gas.

I urge a ''no'' vote.

Mr. WOLF. Mr. Speaker, America must develop a 21st century energy security policy that will reduce energy costs, increase energy independence, encourage energy conservation, strengthen the economy and protect the environment, including steps to cut carbon emissions and address the impacts of climate change. I believe that policy must also include a commitment to invest in clean, renewable energy technology, the responsible exploration of domestic energy sources, an increase in fuel efficiency standards, and the research necessary to develop the fuels of the future.

Today the House considers a bill that is over 1,000 pages, with only 12 hours of notice and only 1 hour of debate. I found it interesting that while the bill was not introduced and made available to members until 8:30 last night, K Street lobbyists provided copies to congressional staff 3 hours earlier.

In the limited time we have had to read the bill, I have found some provisions that I could support. The bill has provisions to invest in research and development of a whole host of renewable resources, promote energy efficiency by the Federal Government, promote energy conservation programs and investment by the private sector in renewable energy generation. If we are ever to become energy independent, those are the kinds of investment we must make.

The bill also has provisions to establish grants to promote public transportation and expand use of alternative fuels, and extend tax credits for energy efficient projects in commercial buildings, production of renewable electricity and investments in solar energy and fuel cells. Earlier this year I voted for the Udall/Platts amendment to require electricity companies to ensure that 15 percent of their electricity is generated by renewable and alternative sources by the year 2020. Renewable energy development is vital to our national security, our economic prosperity and the health of our environment.

Another provision I support and have cosponsored separate legislation will increase automobile fuel economy standards, also called CAFE, Corporate Average Fuel Economy.

But with all these positive steps promoting energy investment, why add provisions that will penalize domestic oil and gas production? America is at the mercy of countries like Saudi Arabia and Venezuela and even China whose governments control oil resources around the world. If we are ever to wean our Nation from foreign sources of energy, we must tap our own energy sources. Congress had an opportunity through this bill to find ways to partner with America's oil and gas producers to provide incentives to encourage alternative energy use and development and to stop the rising costs of gas and oil. Instead, the legislation adds billions in increased taxes which will hurt energy consumers and threaten U.S. jobs. I don't believe any fair-minded person would say that the way to lower prices at the pump is by raising taxes on the companies that find, refine and transport gasoline.

That is no way to promote energy independence. The tax provisions not only increase taxes for domestic drilling, but also include a massive tax increase on U.S. companies producing energy abroad. This will have the effect of placing U.S.-based companies at a disadvantage by reducing their ability to compete for investments in foreign energy projects. This is unacceptable when China, India and Russia are working night and day to corner the market on many of the world's energy resources. In fact, Cuba has sold leases for offshore drilling in the Gulf of Mexico to China, India, Canada and Spain.

Additionally, I was shocked to see that provisions to promote telework in the Federal Government were removed from the final bill. According to Environmental Defense, 6 billion gallons of oil can be saved if commuters telework just 1 day each week. Most importantly, these telework provisions did not cost a penny.

Just a few weeks ago the Texas Transportation Institute at Texas A&M University released its annual traffic congestion study which found that congestion creates a $78 billion annual drain on the U.S. economy due to 4.2 million lost hours of productivity and 2.9 billion gallons of wasted gas. That's not even considering the air pollutants caused by idling vehicles around the nation. Why did we not consider savings from the telecommuting provisions included in the energy bill passed earlier this year as an offset instead of new taxes on the backs of the American people?

I also have learned that this massive bill includes a $2 billion earmark for the City of New York. I am sure there are other special interest projects that have been creatively air dropped into the 1,061 pages of this bill. With so little time to cull through those pages, though, no one but the sponsors will know before we vote. No wonder the American people have such low regard for Congress.

To truly create an effective energy policy, we must have an open and transparent process for all members and in fact all Americans working together. We cannot achieve energy security by increasing taxes on oil and gas producers, which will cripple our economy and impact the pocketbook of every single American. We cannot create energy policy through wheeling and dealing or thousand page bills released just hours before a vote.

Finding bipartisan consensus in developing energy policy is critical for our Nation's future economy, prosperity and security. Republicans and Democrats in the House and Senate must work together so that America can truly start on the path to energy independence that delivers energy security and lower costs for American consumers in a way that also promotes environmental stewardship.

We can do better. We must do better.

Mr. ENGEL. Mr. Speaker, I rise as a 10-term member of the United States House of Representatives, co-author of the DRIVE Act, Dependence Reduction through Innovation in Vehicles and Energy Act, H.R. 670, and co-chair of the Oil and National Security Caucus.

For too long, the United States has been too dependent on foreign oil. We consume nearly 21 million barrels per day, and our appetite is growing. This reliance on a single resource is particularly troubling because much of that oil comes from nations that are unstable, unfriendly, or downright hostile.

Despite our economic dominance, we continue to give our money to foreign nations because we are addicted to foreign oil. Despite our military might, we remain vulnerable because we are addicted to foreign oil.

Mr. Speaker, it is time for that to change. It is time for bold leadership to move us toward energy independence.

Energy independence is a goal that other countries are already achieving. Brazil, a nation that once relied on foreign countries to import 80 percent of its crude oil, will be entirely self-sufficient in a few years thanks to its investment in biofuels.

I believe we can become self-sufficient by replacing our consumption of foreign oil with domestic production of biofuels; first from corn, then from cellulosic feedstock and other biomass—including agricultural and municipal waste.

I am proud of the legislation that this legislative body has produced today. This bill will strengthen national security, lower energy costs, grow our economy and create new jobs, and begin to reduce global warming.

This legislation takes groundbreaking steps to increase the efficiency of our vehicles, making an historic commitment to American grown biofuels, requiring that 15 percent of our electricity come from renewable sources, and strengthening energy efficiency for a wide range of products, appliances, lighting and buildings to reduce energy costs to consumers.

It mandates increased automotive fuel efficiency standards to 35 miles per gallon by the year 2020, the first such change since 1975.

It repeals tax breaks for profit-rich oil companies, and invests that money in clean renewable energy and new American technologies. Not only would this reduce our dependence on foreign oil, the measure would also save consumers billions of dollars.

Mr. Speaker, among the specific legislative initiatives in this bill near-and-dear to my heart, that I have long advocated with some of my friends and distinguished colleagues here in the House, are:

Plug-in Hybrid Electric Vehicle, PHEV, and other Advanced Drive Transportation Technologies, which will save fuels costs for consumers and businesses, reduce air pollution, and decrease dependence on imported oil;

National Tire Efficiency Consumer Information Program, which will create a national program to educate consumers about the crucial role played by passenger tires, and the proper maintenance of passenger tires, on vehicle fuel economy;

Renewable Fuels Standard, which will ensure that a percentage of our nation's fuel supply will be provided by the domestic production of biofuels. It will provide a pathway for reduced consumer fuel prices, increased energy security, and growth in our nation's factories and farms.

United States-Israel Energy Cooperation Provisions, which establish a grant program to fund joint ventures between American and Israeli businesses, academic institutions, and non-profit agencies, with the goal of promoting the development of clean alternative fuels and more energy efficient technologies.

Mr. Speaker, this legislation will help pave a path to a new era in American energy. I urge my colleagues to vote yes on this pragmatic and forward-looking bill.

Thank you.

Mr. STARK. Mr. Speaker, I rise today in support of clean energy and a clean environment.

The Renewable Fuels, Consumer Protection, and Energy Efficiency Act, H.R. 6, provides long overdue increases in our fuel efficiency standards for vehicles, CAFE, significant investments in energy efficiency, ending needless tax breaks for giant oil companies, and mandating production of electricity from clean and renewable sources. Although this bill represents real progress, much more must be done in order to avoid the catastrophic consequences of global warming. I urge all of my colleagues to take up this cause and support aggressive efforts to end our dangerous addiction to fossil fuels through a carbon tax.

We have not increased CAFE standards since 1975. During the intervening years the price of oil has reached nearly $100 a barrel, our reliance on foreign oil has led to deadly wars and propped up corrupt regimes, and the threat of global warming has become real. The bill before us would increase CAFE standards to 35 mpg by 2020. Although I believe we can and should get there faster, this provision alone will save 1.1 million barrels of oil per day by 2020. That is real progress.

With this legislation we also have the opportunity to greatly reduce our use of polluting fuels like coal by mandating that 15 percent of our Nation's electricity be generated from renewable and clean sources such as wind, biomass, and geothermal. Such a change will have the equivalent of removing 20 million cars from our roadways. In addition, this bill will reduce our energy use and save families money by setting strong, 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.

I am troubled that we are continuing to subsidize and ratchet up corn-based ethanol production. A simple shift from gasoline to ethanol will do nothing to reduce greenhouse gas emmissions, but it will eat up open space and continue to drive up food prices. Fortunately, this bill includes some environmental safeguards and directs future production toward advanced biofuels. I urge my colleagues to pay close attention to the effect of ethanol on food prices here and abroad and move quickly to protect families who are squeezed by rapidly rising prices.

This bill begins to address the energy and environmental crises caused by the unbridled use of fossil fuels. I urge all of my colleagues to support final passage. We must realize, however, that more fundamental changes, ideally a carbon tax, are needed if we are serious about stopping global warming and becoming truly energy independent.

Ms. MATSUI. Mr. Speaker, I am proud to support this historic and long-overdue legislation. Today's bill offers geopolitical and economic security, environmental sustainability, and significant cost savings for American consumers.

It is a strategy to fight global warming. It is a compromise that raises fuel efficiency standards. It is an investment in a new generation of manufacturing jobs.

This bill creates a world where American resources and ingenuity are used to make American energy, not to import it from other countries.

The bill raises CAFE standards for the first time since 1975. As a result, each American family could save up to $1,000 a year at the pump. That alone should be reason enough for every Member of Congress to support this compromise.

But today's bill does even more. It frees us from a dangerous dependence on foreign oil. By 2030, it will save Americans more than double the level of oil we currently import from the Persian Gulf That amounts to more than 4 million barrels saved every single day.

This energy package also invests in the American people by creating three million green jobs over 10 years.

With this bill, Mr. Speaker, we are forging an entirely new kind of economy—a clean energy economy. My hometown of Sacramento is the perfect example of a community that will contribute to this new energy economy.

We have a growing clean-energy industry that is poised to take off. Our local utility already produces power from solar, wind, and methane gas. More and more of our region's homes, businesses, and vehicles are powered by renewable energy.

However, my constituents need help from the Federal Government to bring this new energy economy into the mainstream.

That is why I am proud to stand before the House today in support of this revolutionary energy package. It makes landmark investments in the energy economy that is developing in Sacramento and in likeminded cities across our great Nation.

The biofuels this bill develops will power my constituents' cars. New fuel efficiency standards will help them save money on gas. They will work some of the millions of green-collar jobs it creates. This energy bill helps Sacramento continue to lead our country's energy revolution.

One of the cornerstones of this revolution is a renewable portfolio standard. My home State of California already has such a standard. So do more than 20 other States. I have seen this progressive policy in action, Mr. Speaker, and it has contributed greatly to my home State's groundbreaking efforts to increase the use of clean power and forestall global warming.

I am pleased that a renewable portfolio standard has been included in this comprehensive energy package. What works for our states can—and will—work for the entire country.

Mr. Speaker, in Congress we often talk about creating a better future for our children and grandchildren. Today's energy bill will create this better future. It is a future of energy independence, clean power, fuel-efficient vehicles, and economic growth.

I urge my colleagues to support the legislation.

Mr. YARMUTH. Mr. Speaker, I rise in strong support of the most profound step forward in energy policy that this country has taken in 30 years.

In those 30 years, we in America have seen our dependence on foreign nations increase exponentially. The same issue which has caused this great nation to be beholden to others is draining the wallets of our fellow citizens while warming the earth at an alarming and unnatural rate.

And so, I am incredibly proud to be a part of the Congress that isolated the source of those problems and responded resolutely, in a bicameral, bipartisan way. When the energy bill is fully implemented, a gallon of gasoline will take the average American nearly 30 percent farther, our need for foreign oil will plummet by a colossal 4 million barrels a day, energy bills will drop as appliances grow more efficient, and thanks to an unprecedented investment in homegrown, renewable, clean fuel, the prospect for real, safe energy independence is closer than it has ever been.

Mr. Speaker, this is more than simply an energy bill, this is America's declaration of energy independence, and I urge my colleagues support it.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this urgently needed legislation.

Three months ago, the House passed an excellent energy bill that combined provisions developed by several different Committees designed to start putting our country on a path toward energy independence, increased national security and economic growth, and addressing global warming.

The Senate has also passed its version of energy legislation, and the measure now before the House would make revisions to that version, returning the bill to the Senate for further action.

By passing it, we can move toward greater energy independence—which means greater national security—in ways that will lower energy costs, help our economy, and reduce the carbon emissions that contribute to climate change.

The measure includes a few things not part of the bill the House passed earlier, including the first revision in decades of the fuel-consumption standards for automobiles and trucks and provisions dealing with the Secure Rural Schools and Payments-in-Lieu-of-Taxes, PILT program.

I support those additions. Both are good for the nation, and the Secure Rural Schools and PILT provisions are of particular importance for Colorado because so many of our counties include large Federal land areas and therefore will benefit directly from that part of the bill. In 2006, Colorado counties received more than $6 million in Secure Rural Schools payments, while PILT payments to our counties totaled an additional $17.3 million.

However, the authorization for Secure Rural Schools has expired and Congress has rarely appropriated all funds authorized for PILT—which is why I have introduced legislation, H.R. 790 to make full funding for PILT automatic without a need for annual appropriations. So, this part of the legislation is good news for Colorado because it will mean our counties will know what they will receive to help pay for law enforcement and other vital services.

I am particularly pleased that the measure before us retains the provision of the House bill—added by adoption of an amendment I offered along with Representatives TOM UDALL and TODD PLATTS—to establish a Renewable Electricity Standard, RES. This provision will require utilities acquire 15 percent of electricity production from renewable resources by 2020. The House's adoption of that amendment represented a great success by those of use working for positive change that will benefit rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I am also pleased that the legislation includes a provision on carbon capture and storage based upon a bill that I authored. 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 while keeping our economy healthy and strong. It will authorize the Department of Energy to conduct demonstration projects for both carbon dioxide capture and carbon dioxide injection and storage. Not only will this research program 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.

But some of the provisions we passed earlier are not part of this measure. I regret their omission, and if it had been up to me, they would not have been dropped.

Those omissions include the majority of provisions in the earlier bill that originated in the Natural Resources Committee, including ones that I proposed regarding oil shale development, the protection of surface owners in ''split estate'' situations, and the safeguarding of our water supplies from potential adverse effects of energy development. And the measure now before us also omits the important provision to require that drilling on the top of the Roan Plateau be done in a way that will reduce adverse effects on other resources and values of that area, which is so important to Western Slope communities and Colorado's hunters and anglers.

I am also disappointed that the measure does not include my provision to reorient and expand the U.S. Global Change Research Program, USGCRP, so that it will provide more user-driven research and information. The USGCRP coordinates all 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 our knowledge and tailor the information to the needs of national, regional and local decision makers confronted with management and mitigation challenges. This bipartisan provision would have done that.

I strongly supported all those provisions, and I intend to continue working to win their enactment either on their own or as part of some other measure.

But while dropping those provisions means the measure now is weaker in some respects that the one the House passed earlier, it has been strengthened in an important respect by the addition of the fuel-economy provisions, which will result in increasing the efficiency of all vehicles to 35 miles per gallon by 2020. And other parts of the legislation 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, as well as to expand production of homegrown fuels such as cellulosic ethanol and biodiesel.

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, make energy-efficient home improvements, or install solar panels, small wind turbines, and geothermal heat pumps.

Further, the bill will create an Energy Efficiency and Renewable Energy Worker Training Program to train Americans for good ''green'' jobs—such as in solar panel manufacturing and green building construction—that will be created by new renewable-energy and energy-efficiency initiatives. This will provide training opportunities to our veterans, to those displaced by national energy and environmental policy and economic globalization, to individuals seeking pathways out of poverty, to young people at risk and to workers already in the energy field who need to update their skills.

Mr. Speaker, as I said, this legislation is much needed and long overdue. While I regret the omission of several very important parts of the version the House passed earlier this year, what remains and what has been added combine to make a measure that deserves to pass here and in the Senate and that President Bush should sign into law. I urge its approval.

Mr. DAVIS of Virginia. Mr. Speaker, this is our third attempt at passing a comprehensive energy bill. Each manifestation inches closer to the compromise needed to pass a bill into law and fundamentally shift our Nation's energy policy. Unfortunately, we are not there yet.

Our excessive dependence on foreign oil and heavy use of dirty fossil fuels are serious threats to our national security, economic security and our environment. We must lay the groundwork through a comprehensive energy policy that seeks to decrease our dependence on foreign oil by increasing domestic production in the short term. At the same time, however, we must devote substantial resources into research and development of new technologies and facilitate a gradual shift to green, renewable and domestic sources of energy.

We cannot pretend to address our dependence on foreign oil or consumption of fossil fuels without increasing Corporate Average Fuel Economy, CAFE, standards. I was baffled when the House was not allowed to debate such a crucial issue during our two prior deliberations on energy bills. I have long been a proponent of increasing efficiency standards, sponsoring and cosponsoring bills to accomplish that goal in this and previous legislative sessions. I am pleased this provision was finally included by the House democratic leadership.

Yet, this positive development is outweighed by a radical tax increase on our domestic oil and gas industry. I could not vote for the $16.1 billion tax package that was attempted in August, and I cannot vote for a $21.5 billion tax increase today. By taking such an action, this bill will hinder domestic production of oil and gas and further increase our reliance on foreign sources of energy. U.S. dependence on imported petroleum is already at an all time high. The imposition of retroactive and punitive taxes and fees will only exacerbate this problem.

The needed direction of our energy policy is clear: increase domestic production to utilize our secure, abundant sources of energy while we develop the technologies that will feed our hunger for energy in the years to come. I urge my colleagues to join me in voting against this legislation and work towards a viable, practical energy strategy.

Mr. CAMPBELL of California. Madam Speaker, I rise today to ask that while the House consider this energy legislation, that they take into account that the CAFE provision in this bill does nothing to clarify the critical issue of which federal government agency has the lead on regulating fuel economy.

To effectively improve fuel economy there cannot be two separate sets of fuel economy standards—one from the National Highway Traffic Safety Administration (NHTSA) and another from the Environmental Protection Agency (EPA). Having two agencies with inconsistent standards creates substantial regulatory uncertainty, confusion, and duplication of effort.

Most importantly, the legislation gives EPA free rein on the fuel economy issue which would allow them the ability to supersede Congressional authority over CAFE. This could mean that EPA could establish a CAFE standard that far exceeds the standard passed by Congress.

The White House agrees that one agency needs to be the lead entity responsible for a single national regulatory standard. The legislation should have harmonized EPA and NHTSA's distinct roles to regulate fuel economy and emissions.

A single, nationwide fuel economy standard would create certainty and achieve the mutual goal of reducing gasoline consumption in an effective manner.

It is my hope that this problem be remedied.

Mr. GOODLATTE. Mr. Speaker, 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. The biggest concern facing the farmers and ranchers of this country are increased input costs from higher fuel prices and fertilizer. The U.S. fertilizer industry relies upon natural gas as the fundamental feedstock for the production of nitrogen fertilizer. The rest of the U.S. farm sector also depends on significant amounts of natural gas for food processing, irrigation, crop drying, heating farm buildings and homes, the production of crop protection chemicals, and, let's not forget, ethanol biofuel production. In addition to the farm sector, the forest products industry relies more on natural gas than any other fossil fuel and energy amounts to the third largest manufacturing cost for the industry.

Unbelievably, this legislation contains no new energy supplies in it and does nothing to relieve the burdens of increased costs on producers who provide the food and fiber for American consumers. It seems that the Majority's plan to move toward energy independence includes limiting domestic energy production and imposing new government mandates that will prove to be costly and burdensome to the American people.

This legislation would dramatically expand the Renewable Fuels Standard (RFS) by increasing it to 36 billion gallons by 2022. This initiative is extremely ambitious and could be achieved by tapping all sectors of agriculture including plant and wood waste, vegetable oil, and animal fat and waste which would result in the production of 21 billion gallons of cellulosic ethanol. Strangely, the bill discourages the production of cellulosic fuels from forests, even though forests are the largest potential source of cellulosic feedstock. While I am in favor of finding new markets for agriculture products, what good is finding new markets for agriculture commodities when the cost of production is too much for our farmers and ranchers?

We should develop a policy that is technology neutral and allows the market to develop new sources of renewable energy. The RFS provisions create an unrealistic mandate for advanced biofuels technology that doesn't yet exist and creates hurdles for the development of second generation biofuels by placing restrictions on alternative fuels, renewable fuel plant production, and, most important, limits the harvesting of our homegrown feedstocks. These restrictions will undoubtedly lead to a consumer tax to help bridge the gap in production that will occur if this policy is put into place. Even with the advancement of cellulosic ethanol, the expansion of the RFS would still require 15 billion gallons of renewable fuel to come from the only current commercially available option: grain ethanol

Last year, 20 percent of the U.S. corn crop was used for ethanol production and that amount is expected to rise significantly over the next few years. With feed stocks meeting most of our renewable fuel initiatives, the livestock sector is facing significantly higher feed costs. Corn and soybeans' most valuable market has always been, and will continue to be, the livestock producers. We must ensure that there are not unintended economic distortions to either grain or livestock producers as a result of these sectors prospering from other markets.

The benefits of reduced reliance on foreign energy sources, stable energy prices, and new markets for agricultural products should not be replaced with a risk of adding even more increased input costs for livestock producers and creating even higher food prices for consumers.

This energy policy, set in place by the Democrat Majority, exemplifies the Democrat motto through and through: tax and spend. This bill imposes $21 billion in tax increases. The other

side will tell you that these tax increases will not affect the average hardworking American, 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.

What is even more disturbing is that these increased costs will be felt by some of our Nation's most poor. On average, the Nation's working poor spends approximately 13 to 30 percent of their yearly income on energy costs. This average is already too high, and sadly this legislation will only dramatically increase the amount of money these workers will have to spend on energy costs. I have heard those on the other side of the aisle say that we must all shoulder the cost to produce clean energy. Well, the costs of the clean energy in the Renewable Portfolio Standard (RPS) alone, as estimated by just one of Virginia's many electric utilities, will increase $200 million for its retail customers. By shifting to renewable energy sources, that are not as available or as cost effective as traditional sources, we will see a rise in energy prices across the board and this will be hardest felt by working people who cannot afford to shoulder any more costs.

While this bill is said to be focused on new energy technologies, it fails to address some of our most promising domestic alternative and renewable energy supplies that could be cost effective for American consumers. Coal is one of our Nation's most abundant resources, yet the development of Coal-to-Liquid technologies is ignored in 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 CO_2 emission-free energy. 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 1,000 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.

This legislation does nothing to address the energy concerns of our country; and it does nothing to relieve agricultural producers of their increasing input costs. This legislation only makes the situation worse and it is the product of a flawed process that does not have bipartisan support!

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 of our Nation.

Mr. MORAN of Virginia. Mr. Speaker, I support the conference agreement on the Energy Independence and Security Act and I thank Speaker PELOSI for her personal involvement and leadership on this issue.

This legislation: (1) reduces our dependency on unstable foreign sources of oil; and, (2) moves us away from our unsustainable reliance on fossil fuels.

To do so is absolutely necessary for our economy, our future prosperity and our environment.

Americans are reminded how important this is every time they fill up their gas tanks at the pump.

While we should not try to manipulate the price at the pump, we can take concrete steps to reduce the amount of oil we consume, by making our vehicles travel further on each gallon they burn, and in doing so, reducing our dependency on too many unstable and unfriendly foreign sources of oil.

It's been more than 30 years since Congress last raised automobile fuel efficiency standards, and during the interim, the average fuel efficiency of our vehicles has actually declined. We've regressed in meeting our goals.

This legislation corrects this inexcusable abdication of responsibility and mandates tough, but achievable, fuel efficiency standards that will reduce our daily consumption of oil by 4 million barrels per day by 2030—more than twice the amount we import from the Persian Gulf today.

Consumers can look forward to savings hundreds or even thousands of dollars every year on their gas bills.

This legislation also looks toward the future and crafts responsible policies that, if implemented today, will reduce the threat of global warming and the impact of future oil price shocks by moving us toward cleaner, more environmentally responsible alternative sources of energy.

The mandate on commercial power companies to produce 15 percent of their electricity from renewable sources will be the equivalent of retiring 300 coal-fired power plants, the single largest source of carbon dioxide emissions.

With this legislation, we have the beginnings of a substantial commitment toward lower greenhouse gas emissions and greater energy independence.

By 2030, the policies implemented under this legislation will have achieved about 40 percent of the greenhouse gas emissions reductions most scientists have concluded are needed to avoid catastrophic global climate change.

Despite the claims of rising prices, economic disruption and disaster, this legislation will achieve its objectives in a way that will spur innovation, create thousands of new manufacturing and service jobs, increase savings for consumers, put fewer of our earnings into the pockets of unfriendly foreign interests and set up a safer, more secure future for our children.

I urge my colleagues to support this conference agreement.

Mr. LEVIN. Mr. Speaker, I support the rule and urge the House to adopt the Energy Independence and Security Act.

The basic issue before us is whether we are going to take action to address energy security in this country, or are we going to sit on the sidelines and let American consumers and businesses fend for themselves. All of us know that we can't continue business as usual. The price of oil stands near $90 a barrel. In my home State of Michigan, gas costs over $3 a gallon. Families are struggling with persistently high home heating costs. At the same time, the effects of climate change are becoming more and more pronounced, yet the United States remains the only industrialized nation in the world that has no plan to address global warming.

The package before the House strengthens our energy security, lowers energy costs, grows our economy, creates jobs, and begins to address global warming. It also bolsters our national security. Today we import more than 60 percent of the oil we use. It is simply not in our long-term security interests to continue to rely on oil imports from the Middle East and other volatile regions of the world. We can't drill our way out way out of this situation, so we need to try another approach.

Many of the provisions of this legislation are common sense and will achieve significant energy savings with little or no cost. For example, the bill sets new energy efficiency standards for appliances, lighting, and buildings. Doing so will save consumers and businesses hundreds of billions of dollars over time. This legislation also includes incentives for manufacturers to produce washing machines, refrigerators and dishwashers that push the boundaries of energy and water efficiency, and to build them in the United States. Reducing the energy or water usage of a washing machine may seem like a small thing, but over time and across millions of households, these incentives will produce remarkable reductions in energy and water usage, and consumers will save money on their utility bills.

Other sections of this bill will challenge key sectors of our economy. In particular, the legislation calls for a 40 percent increase in vehicle fuel economy by 2020. The compromise that has been reached is ambitious, but it has the support of auto manufacturers, the United Auto Workers, consumers groups, and the environmental community. We also reform the existing CAFE mechanism, which for years has discriminated against manufactures, including Ford, GM and Chrysler, that produce a full line of vehicle sizes. The agreement contains anti-backsliding language to help keep small car production here in the United States and protect the jobs of American workers. I am pleased that this bill also begins the work of helping industry reach the higher mileage standards through retooling assistance and incentives such as a new plug-in hybrid tax credit.

I also strongly support the renewable electricity portfolio provisions of this bill that require utilities to generate 15 percent of their electricity from renewable sources by 2020. Obviously, this provision will pay environmental dividends. Moving towards renewable energy will help keep mercury out of the Great Lakes and greenhouse gases out of the atmosphere, but it also will help create new industries and jobs here in the United States. There is no reason in the world why the U.S.

should not lead the world in the production of wind turbines and solar panels. This bill will help ensure that these jobs are created here in the United States.

Our work in this House is about priorities, and the difference in priorities on this bill could not be more clear. I urge all of my colleagues to support this responsible legislation.

Mr. SKELTON. Mr. Speaker, the people of rural Missouri and those who live throughout the United States are eager for Congress to enact energy policies that help alleviate record high oil prices, reduce America's dependency on foreign oil, promote homegrown energy sources, and preserve the environment for future generations. The comprehensive energy bill we are considering today, the Energy Independence and Security Act, would address the peoples' concerns in these areas. After careful consideration, I have concluded the measure is good for rural Missouri and for the security of our Nation. I will lend my support to it.

Our Nation cannot afford to ignore the impact high energy prices are having on individuals, on families, and on the economy at large. Oil and fuel prices have been at record levels for weeks. Rural Missouri families and farmers, who rely heavily on transportation to go about their daily lives, are particularly hard hit by high fuel costs. They have been allocating larger portions of their income to fill their gas tanks and to heat their homes. Meanwhile, America's top five oil companies have been collecting record profits and refusing to invest those profits in new oil refining capabilities.

Enactment of the Energy Independence and Security Act would be welcome news to Missouri motorists. For the first time since 1975, this legislation would raise fuel efficiency standards for the cars and trucks sold in our country. Further, it would ensure that automakers continue producing trucks driven by many rural Americans by adjusting the fuel efficiency requirements for these particular vehicles.

Improved fuel efficiency is long overdue. Over time, this added efficiency would reduce by half the amount of oil America imports from foreign sources, reduce hazardous vehicle emissions, preserve our environment, and eventually yield fewer trips to the gas station for hard working Americans. I am pleased that the automobile industry and conservationists support this fuel efficiency standard.

Important to Missouri farmers is the robust renewable fuels standard included in the Energy Independence and Security Act. In the Show-Me State and throughout America's heartland, ethanol and biodiesel production facilities dot the countryside. They have fostered economic development in areas of the country that have struggled to produce jobs. Many of these facilities are owned by farmers who have committed their financial resources and ingenuity toward advancing America's energy independence, improving farm incomes, and boosting the economic well-being of small towns.

The 2005 Energy Bill included a strong renewable fuels standard for ethanol made from corn. Since passage of that legislation, ethanol production has dramatically increased, corn yields have set records, and ethanol's farmer-investors have reaped economic gains. Because of the overwhelming success of ethanol and the demand for corn, the price per bushel of corn has risen. Combined with widespread drought that has impacted much of the Midwest and Great Plains States over the past several years, killing or damaging grazing pastureland, high corn prices have raised concerns about ethanol with some livestock producers.

This year's energy bill would build upon the successful renewable fuels standard established in 2005 by allowing for a strong corn ethanol mandate, while also phasing in ethanol made from sources other than corn to help assuage the concerns of some U.S. livestock producers. The bill also would create a minimum use requirement for biodiesel made from soybeans and other sources.

While I will support the Energy Independence and Security Act, the bill is not perfect. I am concerned that investor-owned utility firms in Missouri and elsewhere may not be able to sufficiently produce electricity from renewable sources within the time mandated by the legislation. I am hopeful that the Energy and Commerce Committee will sit down with investor-owned utility firms to iron out any glitches that may arise in this particular area.

Taken as a whole, the Energy Independence and Security Act would be good for rural Missouri and for our country. I will vote for it and urge my colleagues to do the same.

Mr. HONDA. Mr. Speaker, the signs of an energy crisis are clear—we are facing the consequences of significant climatic change, our national security continues to be at risk, and our energy economy must change in the face of $100 per barrel oil.

Investors are ready to invest billions of dollars into American made next generation clean technologies, but for too long the Federal Government has been subsidizing the old technologies. Inventors and entrepreneurs, the true engines of American economic growth, are already focused on energy, but they are still waiting for Congress to send them the right signals before bringing their full efforts to bear on the problem.

That is why I am pleased to rise in support of an energy bill that sends the right signal and will help to revolutionize our Nation's energy economy as we know it, help free us of our dependence on foreign oil, create millions of new jobs, and address global warming.

The Energy Independence and Security Act will increase corporate average fuel economy standards to 35 miles per gallon by 2020; greatly expand the national biofuels mandate; require utilities nationwide to provide 15 percent of their power from renewable sources by 2020; strengthen energy efficiency for a wide range of products, appliances, lighting, and buildings; create education and job training programs to train the next generation of Americans to ensure we remain competitive in the new energy economy; and repeal tax breaks for profit-rich oil companies and invest that money in clean renewable energy technologies and in much needed research and development.

The evidence that we need to change our reliance on fossil fuels has never been clearer. The United Nations Intergovernmental Panel on Climate Change has issued its latest, and most dire, report on what we can expect if we do not immediately reduce greenhouse-gas emissions. The IPCC has said that worldwide carbon emissions must fall by at least 50 percent by 2050 to limit a temperature rise of about three degrees Fahrenheit and prevent the worst climate impacts from occurring.

By passing the Energy Independence and Security Act, we are taking the first step in developing a policy for reducing carbon emissions. I pledge to work diligently with my colleagues to take additional steps in 2008, and urge adoption of this important legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I'm amazed that the Democrats took so long to write such a bad bill. I would laugh if this was any laughing matter, but designing the Nation's energy policy is among the most serious responsibilities of the Congress. H.R. 6 has recklessly been designed by radical environmentalists to achieve many of their long-term goals, including significantly raising the price of energy used by Americans, vastly reducing American manufacturing and mining jobs, increasing federal control over rural Western communities, and reducing and further locking-up the use of our vast God-given coal, oil and gas, oil shale, and timber resources.

This bill reaches into every American's bank account and steals vast amounts of hard earned dollars. As a result of this bill, gasoline will be much more expensive, electricity in all areas of the country will go up with many areas with huge increases, home heating oil will continue to surge to record levels, and natural gas prices will literally go through the roof. This bill, a work of exceeding incompetence, is the greatest holiday gift to the OPEC oil cartel ever given by a sovereign nation.

Although there are a few provisions in this bill that are appropriate, the vast expanse of this bill is an abomination. If it becomes law, the Democrats who supported it will have to answer to the American people.

Mr. MARKEY. Mr. Speaker, I also wish to also briefly discuss various provisions in order to more fully explain the statutory language and to provide context for what we are accomplishing with this historic energy bill.

Section 3 of the bill states: "Except to the extent expressly provided in this Act, or in an amendment made by this Act, nothing in this Act or an amendment made by this act supersedes, limits the authority or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation."

The laws and regulations referred to in section 3 include, but are not limited to, the Clean Air Act and any regulations promulgated under Clean Air Act authority. It is the intent of Congress to fully preserve existing federal and state authority under the Clean Air Act.

In addition, Congress does not intend, by including provisions in Title I of the bill that reform and alter the authority of the Secretary of Transportation to increase fuel economy standards for passenger automobiles, nonpassenger automobiles, work trucks, and medium and heavy duty trucks, to in any way supersede or limit the authority and/or responsibility conferred by sections 177, 202, and 209 of the Clean Air Act. (For section 202 of the Clean Air Act, this includes but is not limited to the authority and responsibility affirmed by the Supreme Court's April 2, 2007 decision in Massachusetts v. EPA (No. 05–1120), and, for sections 177 and 209 of the Clean Air Act, this includes but is not limited to the authority affirmed by the September 12, 2007 decision of the U.S. District Court for the District of Vermont in Green Mountain Chrysler Dodge Jeep et al. v. Crombie et al. (No. 2:05–cv–302).

Title 1 of the bill addresses CAFE Standards. Section 102(a) would require that the fleet of new passenger and non-passenger vehicles made for sale in model year 2020 reach a fleet-wide fuel economy average of at least 35 miles per gallon, regardless of shifts in the market or any other consideration. While fuel economy standards for each of model years 2011–2019 are expected to be the maximum feasible standard, this section does not allow the Department of Transportation (DOT) to set a fleet-wide average of lower than 35 miles per gallon for model year 2020 under any circumstances. In addition, if the maximum feasible level for model year 2020 is higher than 35 miles per gallon due to technological progress and/or other factors, Congress intends to require DOT to set standards at the maximum feasible level.

It is also the intent of this section to require DOT to set interim standards between 2011 and 2019 to make rapid and consistent annual progress towards achieving the 35 mpg minimum by 2020. In asking for ''ratable'' progress, the intent of Congress is to seek relatively consistent proportional increases in fuel economy standards each year, such that no single year through 2020 should experience a significantly higher increase than the previous year.

Section 104 addresses credit trading among and within automakers' vehicle fleets, and is intended to increase flexibility for automakers, but it is the intent of Congress that any trading not in any way reduce the oil savings achieved by the standards set for any year under this title.

Section 105 is intended to provide added information for consumers, but is not intended to in any way interfere with or diminish EPA labeling authority. Congress intends that DOT work closely with EPA in fulfilling the requirements of this section.

Section 106 is intended to clarify that Title I does not impact fuel economy standards or the standard-setting process for vehicles manufactured before model year 2011. This section is not intended to codify, or otherwise support or reject, any standards applying before model year 2011, and is not intended to reverse, supersede, overrule, or in any way limit the November 15, 2007 decision of the U.S. Court of Appeals for the Ninth Circuit in Center for Biological Diversity v. National Highway Traffic Safety Administration (No. 06–71891)

Section 109 makes modifications to the cap on the credits allowed to manufacturers making dual-fuel vehicles to ensure that the dual-fuel vehicle credit program is phased out and is fully and permanently eliminated by 2020 and thereafter.

I urge the Secretary to pay careful heed to the intent and spirit of these provisions in carrying out the provisions of this Title, so that we achieve the Bill's goals of increasing the fuel efficiency of our cars, SUVs, and other vehicles.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 846, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

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

Mr. BOUCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on the motion to suspend the rules on H.R. 2085.

The vote was taken by electronic device, and there were—yeas 235, nays 181, not voting 16, as follows:

[Roll No. 1140]

YEAS—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
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
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
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
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
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)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
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)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
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
Coble
Conaway
Crenshaw
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
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—16

Baird
Carson
Cole (OK)
Cubin
Feeney
Gilchrest
Granger
Gutierrez
Hooley
Jindal
Lucas
Miller, Gary
Nunes
Ortiz
Paul
Young (AK)

□ 1531

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

McGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES CONVEYANCE ACT

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2085, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2085.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 373, nays 0, not voting 58, as follows:

[Roll No. 1141]

YEAS—373

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—58

Abercrombie
Ackerman
Baird
Berkley
Berry
Boswell
Braley (IA)
Brown (SC)
Campbell (CA)
Carson
Cleaver
Cole (OK)
Cramer
Cubin
Davis, Lincoln
Doyle
Everett
Feeney
Gilchrest
Granger
Green, Gene
Gutierrez
Hastings (WA)
Hill
Holden
Hooley
Hunter
Issa
Jindal
Johnson (GA)
Johnson, Sam
Larson (CT)
Lofgren, Zoe
Lucas
Marchant
Marshall
McHugh
McKeon
McNulty
Miller, Gary
Murphy, Tim
Neal (MA)
Nunes
Ortiz
Pascrell
Paul
Peterson (PA)
Rohrabacher
Scott (VA)
Slaughter
Smith (TX)
Smith (WA)
Watt
Welch (VT)
Weldon (FL)
Weller
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left on this vote.

□ 1540

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Mr. Speaker, I was unable to make the vote for H.R. 2085. Had I been present, I would have voted for H.R. 2085.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 1140 and 1141.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 1131: "yea"; rollcall No. 1132: "yea"; rollcall No. 1133: "yea"; rollcall No. 1134: "yea"; rollcall No. 1135: "yea"; rollcall No. 1136: "nay"; rollcall No. 1137: "nay"; rollcall No. 1138: "yea"; rollcall No. 1139: "present"; rollcall No. 1140: "nay"; and rollcall No. 1141: "yea".

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–475) on the resolution (H. Res. 849) providing for the consideration of the Senate amendment to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–476) on the resolution (H. Res. 850) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for information about next week's schedule.

Mr. HOYER. I thank my friend for yielding.

Mr. Speaker, on Monday the House will meet at 3 p.m. in a pro forma session. On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business, with votes rolled until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business and at 9 a.m. on Friday.

We will consider several bills under suspension of the rules. A list of those bills will be announced before the close of business tomorrow.

Under a rule, we expect to consider a conference report on the Intelligence authorization bill and on the Department of Defense authorization bill and further action on appropriations and terrorism risk insurance. There may well be other legislation, if it comes from the Senate.

Mr. BLUNT. I thank the gentleman.

I am wondering, on the appropriations process, the remaining 11 bills, if

the gentleman has a sense of when those might come before the House. I know there was at least a discussion of a same-day rule for Tuesday for that purpose. So whatever information my friend has, I yield to get his ideas on when we might see the first effort on the appropriations bill on the floor or maybe the final effort on that bill.

Mr. HOYER. I will tell my friend, the first action we had on appropriation bills was of course when we passed all of our appropriation bills before we left for the August break. We now hope to have action on the remaining appropriation bills. We expect those to be included in an omnibus appropriation bill. Obviously, we have considered all of them. They essentially have been conferenced, notwithstanding the fact that the other body did not pass through the Senate five of their bills, as you know, but they did in fact pass them out of subcommittee. So we had products to conference with.

Both the House and the Senate have been working together to get them in a place where they could be considered, and it would be my expectation that we would consider an omnibus appropriation bill Tuesday night after we come back. I would hope to be able to pass such a bill on Tuesday. Again, that is being worked on between the House and the Senate. There have been discussions, as you know, with the administration as well trying to reach agreement so that we can ensure that the Government certainly doesn't shut down.

□ 1545

The CR expires on the 14th of next week. We would hope that we can pass an omnibus appropriation before that.

Mr. BLUNT. On the remaining 11 of the 12 appropriations bills, some of which the Senate did not pass, was the minority involved in these nonconference conferences that you described?

Mr. HOYER. Mr. OBEY is not here, and I think the answer to that question is ''yes,'' but you would know better than I. I am sure you would hear complaints if that were not the case, and perhaps you have heard complaints.

Frankly, as you know, and you and I have discussed this experience by the House before under both parties, because of the lateness of the Senate's actions, we are not in a position where we had all of the bills passed. Furthermore, there was not an inclination on some of the bills to go to the conference. Thirdly, we have been facing, as you know, a veto threat from the President on all of the bills except the Veterans MILCON bill and perhaps Homeland Security. Defense was signed, as you know. Notwithstanding the fact that the MILCON bill is very substantially above the President's request, he said he would sign that one, but bills like the Labor-Health bill were vetoed, so we have to consider that one again.

Mr. OBEY has had a meeting with Mr. Nussle, as you know. It has been reported in the paper. That meeting was to try to figure out whether they could come to agreement. That meeting was not dispositive over that issue. Others have had meetings, including myself. We are hopeful to get to a place where everyone will not get everything that they want, but hopefully we will have agreement. I can't guarantee that.

The answer to your question, as I told you at the outset, I don't have specific answers to. My presumption is, however, the staffs have been talking to one another.

Mr. BLUNT. That's what I thought, the possibility of Tuesday.

I would point out to my friend that the bill that the President did sign, the Defense bill, was very close to the amount of money, a reduction in the amount of money that was equal to the increase on the Military Construction and Veterans bill the President said he would sign, which is actually in the context of both what most of the Members on this side of the aisle had hoped for and what the President said he would insist on, which is the obvious ability of the majority, within the 6.5 percent increase that he proposed, to stay below that number. Actually, Military Construction and Defense, while they are not a perfectly balanced outcome, come close to the way that system can work and still be within the President's number and an example of two bills that he said he would be willing to sign, neither of which are the bills he proposed, but the combination of which certainly are within an amount of money that could be adjusted in the other bills.

On the military question, those two bills we are talking about, does the gentleman anticipate any opportunity to have funding, either full or partial, for Iraq and Afghanistan without withdrawal language in the bill we would send over to the Senate or at some later time next week?

Mr. HOYER. I anticipate at some point in time that will be the case.

Mr. BLUNT. I would hope that can be the case, and we'd hope for our troops in the field and to prevent any layoffs that might occur between now and the time we return in January.

Mr. HOYER. Would the gentleman yield on that issue?

Mr. BLUNT. I would.

Mr. HOYER. I appreciate the gentleman yielding.

As you know, I had a discussion with my good friend, and I know you know him well, the Deputy Secretary of Defense, Gordon England. Obviously he is required, the Department of Defense is required under contract agreements that if there is not funding at a certain point in time, for them to send notice, not because they necessarily anticipate that there will be a necessity to have RIFs, but because under the agreement, when they contemplate running out of money, which would be sometime in February, 60 days before that, they have to send out a notice.

My expectation is that the Secretary will be sending us a letter. But I think the Secretary's expectation, and I think the letter may say this, his expectation is, pursuant to our conversations, that will not be necessary nor does anybody contemplate that being done. And I certainly want to say to any and all employees who are listening, that is not going to happen.

Mr. BLUNT. I am glad with that assurance that won't happen, and I am sure they will be, too. While we won't know on the 15th whether they can run out of money by the date you mentioned, the middle of February, it is very possible that we will know by the day we leave here, and a January letter then would be required before we got back that indicated that a furlough would happen.

Mr. HOYER. If the gentleman would yield again?

Mr. BLUNT. I would.

Mr. HOYER. I thank the gentleman.

I am very hopeful and we are working very hard, as I know Mr. OBEY is and others, and I know Senator REID is as well, trying to reach agreement with the President.

Let me say respectfully that the discretionary spending that we have provided for is less a percentage of the GDP in terms of the spending of our national income than any of the bills that were passed from 2002 to 2006. We believe the differences are relatively small between the executive and the legislative branches.

We are prepared, as you have undoubtedly read and, as a matter of fact, you and I have discussed, to make some accommodations with the President, as is appropriate, to try to negotiate those.

What we are not prepared to do is simply have the President say, ''Look, this is what I have determined you can do.'' He can veto, we understand that, but we don't think that the proper place for the Congress of the United States under article I of the Constitution, which gives us the authority and puts in the Congress of the United States, the Senate and the House, the responsibility to make policy and appropriate funds for the priorities that we deem to be appropriate for our national security and general welfare, we don't think that it is appropriate to simply be given a number that we must meet. That is not what the Founding Fathers contemplated. As you well know, the budget is a relatively recent advent in terms of the President's authority over the budget.

Having said that, we want to work with the President. We think that the differences are very small. We think that they can be bridged hopefully relatively easily, which is why we hope by next week we can accomplish both of the issues you raise.

Mr. BLUNT. I thank the gentleman. I hope you are right. I don't know what the Founding Fathers contemplated for sure, the Founders when they wrote the Constitution. I do know they gave the House the ability to initiate spending bills and the President the ability to veto.

In the context of how much money we are really talking about, the President added a 6.5 percent increase, and then the House-passed bill added $23 billion to that, which is more than the individual budgets of more than 35 of the States. So people, as they look at this discussion that this isn't much money, it is more than all of the money spent by 35 or 36 of the States in the country. You know, I think in that context, $23 billion is a significant amount of money.

Mr. HOYER. And the $196.4 billion that the President wants to spend in Baghdad and Kabul is probably more than the budgets of those States as well.

Mr. BLUNT. Well, that is absolutely true. And the money that we spend to defend the country every day is important and it is the primary responsibility of the Federal Government, and I agree with that.

Mr. HOYER. We agree.

Mr. BLUNT. On AMT, I am not sure the Senate has dealt with AMT yet, but my understanding is that they may very well send that back without the money to offset that tax relief in a tax increase. I am wondering under what circumstances we might or might not see the alternative minimum tax relief in the next 2 weeks.

Mr. HOYER. I thank the gentleman for that question. We believe very, very strongly, as you know, that the alternative minimum tax was never, ever meant to apply to some of the people it may well be applied to this tax year. We have passed legislation to prevent that. In that legislation, as the gentleman knows, was also tax cuts for millions of people on property taxes, on other taxes, tax relief for teachers who buy things for their classroom, in effect, business expenses for making sure that our kids are learning.

The Senate, as you know, tried to bring that bill, not that bill but the chairman of the Finance Committee today made a unanimous consent to place the alternative minimum tax relief bill on the floor of the United States Senate without paying for it and it was objected to, as you know, as you probably know, by a Republican Member of the Senate because there was a refusal, apparently not an allowed amendment on the flat tax. We think that is unfortunate.

In answer to your question, we hope the AMT, in fact, is passed by the Senate. We hope that it is paid for. We have committed ourselves to paying for things that we spend money on so our children don't have to pay for them.

But we are going to be working very hard next week, I want to assure the gentleman, to make sure that the AMT is, in fact, addressed so that the 23 million people who are at risk of a tax increase and were never intended to be, as both sides agree, do not have that reality come April 15.

Mr. BLUNT. I appreciate that. My view of that and most of our Members' view of that is that those 23 million people are not paying that tax this year, and so the idea that you have to replace that money to keep them from paying it next year is the fallacy of the PAYGO argument generally, as are many of the other extenders that you mentioned, the supplies for teachers and other things that are tax benefits they currently have, but that is obviously a fundamentally different view of how we view noncollected taxes this year that would be collected unless somehow what I consider to be very good tax policies for teachers and others are extended.

On those tax extenders, the doctor payment issue is another issue that I am wondering if the gentleman has any information on, and I would yield on that as well. This is the doctor payment issue under Medicare and the fact that they would take an automatic cut.

Mr. HOYER. As you know, we passed a bill earlier this year, some months ago, which not only dealt with children's health insurance but it also dealt with reimbursement to doctors, medical providers who will be confronting on January 1 of this year a 10 percent decrease in reimbursement. Many of them will not continue to serve Medicare patients. We think that is a great problem.

Unfortunately, the Senate refused to go to conference on that bill. We did have meetings on our SCHIP bill. Our SCHIP bill, our children's health bill, was a part of the larger bill dealing with Medicare during rural health, dealing with ensuring that nobody was disadvantaged by any of the pay-fors in our bill, but the Senate would not go to conference on that. The meetings that resulted essentially resulted in taking the Senate bill on children's health insurance.

As you know, the Senate had indicated they were going to address the Medicare reimbursement issue which we had already addressed. Unfortunately, it is my understanding that yesterday they decided they either could not or were not going to do that. I talked to Mr. RANGEL just a few minutes ago about that issue. We are going to be talking about that a little later today as to how we might address that. We think, again, that is a critical need for us to address. But I can't tell the gentleman exactly how that is going to be addressed because I don't know what ability we have to work with the Senate on this particular issue, but it needs to be addressed.

Mr. BLUNT. It does. As the gentleman knows, a month from today, actually starting January 1, those new payment schedules would go into effect which would go back to a cut in what those providers are being paid for those same services almost 10 years ago. That is a significant problem, and I am glad that the gentleman appreciates it and I am sad that we have gotten right down to this last moment in the year and not gotten to it yet.

You mentioned SCHIP. I know my good friend has worked hard to try to get the votes to override a veto and now perhaps to pass another bill since the President has the bill we had earlier passed. If that does not happen, would you anticipate an extension of SCHIP? My view is that the State programs and the Governors in those States should have some assurance that they can move forward as we continue to work for a better solution than I believe we have found so far. But assuming that has not happened in weeks and doesn't happen in the next 2, would you expect to see an extender, a bill, of the current program while we continue to look for changes in that legislation? Or would that program end on December 14 or 15 when this current CR ends?

□ 1600

Mr. HOYER. Of course my friend could help me solve that problem very easily. I just need 10 or 12 votes; and you are such an excellent whip, I'm sure you could get those votes for me and we could cover those 4 million children. But if you don't give me those 10 votes, or 15, that we need, we have no intention of leaving here without presenting for the floor, which we hope will pass the Senate as well, an extension of the existing law.

In addition to the extension of the existing law, I'm sure you've talked to Republican Governors and Democratic Governors. I've talked to Democratic Governors just yesterday. All of them are very concerned. Missouri, as you well know, has a shortfall. A number of other States have a shortfall, including my own, so there will be need to, if we're going to simply extend, to also fund the shortfall, or children will be off the program that are currently on the program.

In addition to that, as you well know, a very controversial regulation was issued by the administration capping or requiring a 90 percent coverage of those under 200 percent or you can't participate further in the program, can't expand the program. No State, as I understand it, meets that obligation, so that we're also working on that.

But the answer to your question is, we are certainly planning for, if we cannot get, we hope to be able to get, frankly, in the near future, in the next few days, hopefully, we've worked very, very hard in trying to meet some of the concerns that some of your Members have had.

As you know, you and I and your leader had an opportunity to meet. Mr. BOEHNER indicated he thought there was a significant number of Republicans that would like to vote for the bill. But we got, as you know, 45 Republicans who did vote for the bill.

We have had extraordinary meetings, and I think it's worth telling the body. Mr. DINGELL and myself, as well as Mr. BAUCUS and Mr. GRASSLEY and Mr. HATCH and Mr. ROCKEFELLER, and from time to time, Mr. BARTON and Mr. DEAL and others, Mr. Whip, literally spent about 50 hours over the last

month in meetings trying to come to a place where we could reach agreement. Obviously, we're not there in terms of sufficient numbers to think that we can, or are ready to, introduce a new bill. That would be our preference, to introduce a bill that, after these long discussions, that would enjoy hopefully 60, 70, 80 Members, which is the number your leader used as possible to vote for such legislation and move that through the Senate and send it to the President. That would be our hope.

Mr. BLUNT. I appreciate the gentleman's work on this. I do know that in terms of a bill that would continue this program, that a significant majority of our Members would vote for that; and the bill that would even expand the program, a number of our Members might vote for that. But it has to be the right bill, structured in the right way.

I know you've spent a lot of time on that. I hope you can negotiate even further from where you've been. But I also know that my staff and your staff hopefully are even working together on this to determine that exact right number that would continue the existing program to be sure that shortfalls are met, and that the existing program and the impact of that potential guideline on the existing program, and I think I can assure my friend that there will be enough votes in the House, including votes on our side, to easily extend the existing program and cover those shortfalls while we work for a better program.

The last question I have is the gentleman's certainty about Friday. I know a few weeks ago we had scheduled that these 2 weeks would be 3-day weeks and the Members would be able to schedule things in their districts on Mondays and Fridays. I think your sense is today that we might very well be here on Friday, and I would appreciate some clarification on that.

Mr. HOYER. I thank the gentleman for that question. As the gentleman knows, and I've been involved in this business for a long time, four decades about, and whether it was in the State Senate, which had a constitutional ending date, or in the House of Representatives, it's very difficult to predict the last days of a session.

Now, I will tell you that the Speaker and I are working around the clock, almost literally, to ensure that we can adjourn this first session of the Congress of the United States on the 14th. We had hoped the 13th, but we're letting Members know that the 14th, that's only 4 days from now. We've just gone through some pretty heavy lifting in terms of the appropriation bills, in terms of the AMT, in terms of SCHIP, in terms of Iraq and in terms of other matters that we need to address before we leave here. But we think we can do it, and it is our intention to do it.

But, obviously, there are things that are pending that we cannot leave without doing, so that if we cannot get that done in that time frame, we will have to see where we go from there.

But I want to make it very, very clear to everybody that the Speaker, Senator REID, and I have talked; and we are all very focused on the 14th being the day that we adjourn. The following week is the week before Christmas. We believe that individuals need to be home. I need to do shopping and decorating because all my family's coming to my house from some parts of the country, so I need to be home. And I'm sure every other Member shares that view.

So all I can tell my friend, and he knows this as well as I do, that the unpredictability of the next 4 legislative days is such that I can't make any guarantees, other than we are doing everything we can to get the business that we've just discussed done. We may have some very late nights on Tuesday, Wednesday, and Thursday; but we are hopeful that we will get this done and not have to ask Members to come back the week before Christmas.

Mr. BLUNT. Well, I'm hopeful that my friend has mentioned that date again. Even after the experience of this week, we're still looking at that date. It may be the triumph of hope over experience, but we may all be motivated enough to get that done.

Mr. HOYER. Well, we've had some success this week. As you know, we think we've passed a historic energy bill. Not only that, as my friend knows, because he's from the State of our distinguished chairman of the Armed Services Committee, we were able to go to conference today, which has been somewhat contentious for a few days. We expect that conference to be on the floor early next week. So we are moving ahead.

But as we've discussed, there are some issues of difficulty that we haven't resolved that we need to resolve, and so we'll have to see whether or not we will be successful.

Mr. BLUNT. Hopefully next Friday we won't even have to have a discussion about the week's work coming up because we will be done. And I appreciate the information of the gentleman.

I yield back.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have been unavoidably detained and away on official business on a number of rollcalls which I would like to place in the RECORD at this time.

In particular, I'd like to take note of December 5, 2007. Due to the tragic death of Reserve Deputy Constable Odom in my district, I was attending his funeral. On rollcall vote No. 1127, if I was present, I would have voted ''no.''

Rollcall vote No. 1128, I would have voted ''no.''

Rollcall vote No. 1129, I would have voted ''aye.''

Rollcall vote No. 1130, I would have voted ''aye.''

Rollcall vote No. 1131, I would have voted ''aye.''

Rollcall vote No. 1132, I would have voted ''aye.''

And Rollcall No. 1133, I would have voted ''aye.'' That is on December 5, 2007.

For September 20, 2007, on rollcall vote 890, I would have voted ''aye''; No. 889, I would have voted ''no.''

On rollcall vote No. 888, I would have voted ''aye.''

Rollcall vote No. 887, I would have voted ''aye.''

And on rollcall No. 886, a motion to adjourn, I would have voted ''no.''

On July 16, 2007, rollcall vote No. 632, I would have voted ''aye.''

Rollcall vote No. 631, I would have voted ''aye.''

Rollcall vote No. 630, I would have voted ''aye.''

ADJOURNMENT TO MONDAY, DECEMBER 10, 2007

Ms. LEE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet to 3 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, December 11, for morning-hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. LEE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
November 29, 2007.

The Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 1238(6)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. (22 U.S.C. 7002) amended by Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901). I am pleased to appoint the following individuals to the United States-China Economic and Security Review Commission.

Mr. Peter T.R. Brookes of Virginia (re-appointment).

Mr. Daniel M. Slane of Ohio.

These individuals have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

MAKING AMERICA ENERGY INDEPENDENT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, all of us are interested in moving this country forward on a defined energy policy. And we had, just an hour ago, an open debate on how we could move America forward. I'm delighted that part of the effort in the legislation just passed by this House emphasized new CAFE standards so that there can be greater mileage on vehicles that Americans may purchase, and, yes, a lowering of the cost of gasoline, but also a lowering of the utilization of gas by getting greater mileage; compromise between the energy industry and, of course, those who make automobiles in Detroit.

In addition are the emphasis on alternative fuels, the research to help us expand greening of America and the emphasis on creating new jobs and looking at alternative fuels. But I also believe that we must focus on the existence of fossil fuels, oil and gas, and be able to develop oil and gas domestically, particularly, in the gulf region. And so I hope that we will expand that debate as we go forward in making America independent as relates to energy.

AMT DISASTER

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

Mr. PRICE of Georgia. Mr. Speaker, have you seen the news? Democrat inaction on the alternative minimum tax is leading to a delay of tax refunds for millions of hardworking Americans. The carelessness of this new majority is poised again to strike the American people, this time in their wallet.

This AMT problem's been known for months. Yet we still have no action in this Congress.

The average tax refund last year was more than $2,000, $2,000, Mr. Speaker. That's a mortgage payment. That's college tuition. That's a holiday credit card bill.

While the new majority has made clear that, in good faith, they support policies to raise taxes, this expensive predicament with the AMT is simply the result of congressional negligence. Now, the American people expect more than this from Congress. They want less partisanship and more leadership.

Mr. Speaker, let's act now to ensure the American people are not forced to pick up the tab for the carelessness of this majority. Let's put politics aside and put hardworking taxpayers first.

THE ENERGY BILL

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

Mr. MICA. Mr. Speaker, my colleagues, not only will the Americans receive a great surprise with a tax increase with the so-called energy bill that was just passed by the House of Representatives, and higher fuel costs; I want to announce, as the Republican leader on the Transportation Committee, you've also depleted the highway trust fund by some $2.1 billion in this measure.

The Congressional Budget Office is already predicting a $5 billion deficit in the highway trust fund by 2009.

Now, my friends in Congress, we can't keep this game up. Unfortunately, in the full year 2007 appropriations resolution that passed the House, we knocked another $3.47 billion and rescinded that from the highway trust fund, and another $3 billion recession from the highway program in the 2008 bill that passed the House recently.

Unfortunately, the game being played with our Nation's highway trust fund has consequences, and we will pay.

□ 1615

THE ''ANTI-ENERGY'' BILL

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

Mr. GOHMERT. Mr. Speaker, back on January 22, I got up here at this very spot because we had passed a bill that week that was going to force the price of gasoline to skyrocket upward. A year later it's up a dollar. Today we passed another anti-energy bill.

You know, there are a number of States in this country who just say we want to use all the energy but we don't want to produce any. So there are States like Texas, Louisiana, a number of States, we're cranking out all the energy we can to help the Nation. This bill we passed today not only says we have got lots of energy we're not going to let anybody produce, but we are going to penalize the States that have been more than team players and we are going to force the price of gasoline higher and higher.

So I hope my colleagues across the aisle, as gas goes up towards $5, will also come to the floor and say, ''That's right, it's $5 a gallon, and we are proud of it. We did that for you; so you can thank us.''

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CLAY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CELEBRATING PASTOR ALFRED VAUGHN'S 50 YEARS IN THE MINISTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today with great admiration and respect to recognize a dear friend and one of the Nation's most distinguished citizens, Dr. Alfred C.D. Vaughn, for his 50 years of service to God as a preacher, teacher, leader, and friend.

For the last 21 years, Dr. Vaughn has been the cherished pastor of the Sharon Baptist Church, located in my hometown of Baltimore, Maryland. As grace would have it, this is the same church that his grandmother joined in 1894 and of which his mother became a member in 1911.

Dr. Vaughn, known as the dean of ministers in Baltimore, is one of thirteen children of Mildred and Robert Vaughn. He received Christ at the tender age of 11. Just 8 years later, he was licensed to preach and began a glorious journey of teaching and preaching God's Holy Word.

He first served as pastor of Promise Land Baptist Church in Moneta, Virginia. For 18 years he then led the congregation of Grace Memorial Baptist Church in Baltimore before accepting the calling in 1986 to return home as the visionary pastor of the Sharon Baptist Church.

Throughout his career as a minister, the pursuit of a quality education has always been his priority. Dr. Vaughn earned an AB-BD degree from Virginia Seminary and College, a master of divinity degree and a doctor of ministry degree from Southern University, and he has been awarded four honorary degrees.

It has been said that ''you show people who you are by what you do.'' Throughout his entire life, Dr. Vaughn has demonstrated to the world, with sincere humility and steadfast determination, his commitment to helping others to be the very best that they can be.

Recognizing the need for accessible child care in his community, Dr. Vaughn converted a building near Sharon Baptist Church into a family support center that houses a child care facility and operates other community service programs. He also spearheaded efforts to raise thousands of dollars to send students to college, adopt a local elementary school, and provide after-school programs, local food pantry programs and foreign missions.

However, Dr. Vaughn's accomplishments and achievements reach far beyond the walls of his church. He served as commissioner for the Housing Authority of Baltimore City for 10 years. He was appointed as trustee and as treasurer of Provident Hospital and as trustee of the Community College of Baltimore. He served on the board of directors of the Afro-American Newspapers, and he currently serves as chairman of the board of trustees of Eastern Theological Seminary.

As a testament to his leadership, Dr. Vaughn was recently elected, for an unprecedented eighth time, to serve as

president of the Baptist Ministers Conference of Baltimore and Vicinity, an organization which represents some 250,000 congregants.

Outside of serving the Lord and leading souls to His kingdom, Pastor Vaughn's greatest joy comes from his family. He has been blessed with 44 years of blissful marriage to his wife, Lillian. They have three children, Corrogan Vaughn, Lynnette Vaughn, and Cassandra Vaughn-Fox; a son-in-law, Larry Fox, Jr.; and three wonderful grandchildren.

Whenever I see Pastor Vaughn in the community, his grandchildren are not far behind. No matter what his daily commitments may be, he picks them up from school every day and spends quality time with them, sharing his wisdom and his love.

Baltimore is truly blessed to be able to call a stalwart such as Dr. Alfred C.D. Vaughn one of our very own. As a son of two preachers, I can say with certainty that it is fitting to give God praise for this dynamic leader. For 50 years he has preached the Gospel with truth and honor, not to glorify himself but to save souls and make others' lives better. He is the kind of man who, just by his presence, makes us want to stand taller and reach for the very best that is within us. As my father once said, he is a man whose presence is presence enough.

I am honored that God allowed our lives to eclipse. And today I thank Pastor Vaughn on behalf of Baltimore and our entire Nation for his dedication, commitment to God and his church and his community.

THE FIRST AMENDMENT—RELIGION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the first amendment is first in our Bill of Rights because the provisions in it are the most important. Without those provisions the rest of the Bill of Rights are meaningless.

The first amendment states in part that ''Congress,'' that's us, ''shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

This amendment, like many others, was a reaction to colonial life under King George III. The Church of England was the official Church of England and some of the colonies. The Framers hoped to protect the exercise of any religion by prohibiting the establishment of a national religion. A national religion like the Church of England was supported by taxation. Attendance at services was even mandatory. No marriage or baptism outside of the Church was sanctioned. There were civil and even criminal penalties for members of religious minorities.

So the U.S. Constitution's framework made it possible for all religious groups to gain legal protection. The freedom to practice one's own religion is the reason why the colonists settled and founded this great country. That is the primary reason why people left England, to seek religious freedom.

The Founding Fathers did not believe that government and religion had to be entirely separate, however. The first President, George Washington, said in his first inaugural address, declared as his ''first official act'' his ''fervent supplications to that Almighty Being who rules over the universe'' and that this Almighty Being ''might bless this new government.''

President Washington also echoed this religious attitude in his farewell address in 1796 when he said, ''Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.''

When our Constitution was drafted, the elderly statesman Benjamin Franklin said that if the Good Lord is concerned about a sparrow that falls from the trees, He certainly would be concerned about a new Nation at its birth, and he encouraged Congress to go in prayer. And Congress did so that morning and prayed, and ever since then our Congress starts each morning with a prayer.

The first Congress recognized the importance of religion in government when it enacted the Northwest Ordinance in 1787, and it begins: ''Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.''

The first amendment includes the free exercise clause. Like the establishment clause, the framers included the free exercise clause to protect religious minorities from persecution. The establishment clause prohibits government creation of, support, or endorsement of a national religion. And the free exercise clause protects individual religious beliefs and practices from government interference.

The significance of the free exercise of religion clause is that it affirms the value of religion in American culture and even promotes public display of religion.

Many Americans believe that the first amendment created a separation between church and state, but those words do not exist anywhere in the Constitution, the Bill of Rights, nor the Declaration of Independence.

These words came from a letter written by Thomas Jefferson in 1801 to the Danbury Baptist Association, who was concerned about the Congregationalist Church becoming the national religion, and that is why Jefferson made the comment to the Danbury Baptist Association that there is a separation between church and state. These words do not promote a prohibition by government against religion in the public sector.

Billy Graham once said that ''The Framers of our Constitution meant we were to have freedom of religion, not freedom from religion.'' But antireligious radicals are on the offensive, trying to make the United States free from religion. These radicals want the United States to be a secular government like France. But that's not what our Founding Fathers intended when they created our country.

When Thomas Jefferson wrote the Declaration of Independence, he proclaimed that God gives us all of our rights. He wrote that ''all men are created equal, that they are endowed by their Creator with certain unalienable rights.''

Jefferson's reference to God is echoed throughout this Nation. Our currency mentions God. Our government buildings have religious scenes and words etched into them. We pledge allegiance to the Nation under God. We even have the great lawgiver Moses on the far wall looking directly down on the Speaker's chair.

So, Mr. Speaker, the mention of God in our culture is not an establishment of religion. It's a fact that this Nation was founded on religious beliefs and religious values. That is an historical fact.

And that's just the way it is.

□ 1630

The SPEAKER pro tempore (Mr. CLAY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PAULETTE MARIE McFARLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, we have lost Paulette Marie McFarland, 58, who was a trailblazer, an innovator in early childhood development, dying of pancreatic cancer on Tuesday, October 23, 2007, at her home in Chatsworth, California.

She was born Paulette Marie Mahan in Bluefield, West Virginia, on August 12, 1949. She received her bachelor's in early childhood education from Hampton University in Newport News, Virginia, and her master's in education from Mount St. Mary's College in Los Angeles, California.

Paulette taught in the Los Angeles Unified School System for 30 years and spent the majority of her tenure at Van Nuys Elementary. She received many accolades during her career, which included Teacher of the Year for her school region. Paulette served as a Master Teacher for student teachers for Cal State University, Northridge and University of California, Los Angeles. She participated in the Bilingual Teacher Classroom Program and reviewed the latest research in education

and applied that knowledge to her teaching strategies.

She always admired educators and their ability to create challenging and novel ways to encourage students in learning. As a bilingual teacher, she strove to make education an exciting, joyful, and motivational tool. She was one who is able to motivate and challenge students in a positive and stimulating manner where students are encouraged to reach their potential and value their own self-worth. She was that person. Most importantly, she was an outstanding teacher, and she was one who loved and enjoyed teaching.

Paulette believed some of the major challenges today are low achievers, child and drug abuse, gangs, and development learning disabilities. And she promoted the importance of the individual increase in parental involvement providing parent education, smaller classes, and tutoring programs as possible solutions.

Paulette was not only committed to her students and her family, but the community at large. For many years, she served on the planning committee for the NAACP Image Awards. She was an active fund-raiser for the Chrysalis Homeless Center, the United Negro College Fund, and other charitable organizations. She participated in the Literacy Campaign for the American Broadcasting Company, and volunteered in food and clothing drives.

For the last 2 years, Paulette served as scholarship chairperson for the San Diego African American Alumni Association, and with her husband, Roland, served as president for 4 years. She secured funding for more than 100 students, making it possible for them to pursue a college education.

On December 4, 1982, Paulette married Roland McFarland, vice president for broadcast standards and practices at Fox Broadcasting Company, at Hollywood Presbyterian Church in Los Angeles, California.

Her memory lives on through her beloved husband, his children, Curtis McFarland and Roslyn Daniels; mother, Odessa Mahan; father, David Mahan; sisters Beverly Cummings and Margo Mahan; brother, Garner Mahan, and many cherished grandchildren, family, and a host of friends. May she, indeed, rest in peace.

BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is 324 days of incarceration for two former U.S. Border Patrol agents. Agents Ramos and Compean were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. These two decorated Border Patrol agents, who were doing their duty to protect the American people from an illegal alien drug smuggler, are serving 11- and 12-year prison sentences.

This week, the Fifth U.S. Circuit Court of Appeals in New Orleans began hearing oral arguments for the agents' appeal. During the hearing, one of the three judges on the case, Judge E. Grady Jolly, said, ''It does seem to me that the government overreacted here. For some reason, this one got out of hand.''

The judges in this appeal will need to examine why the judge allowed the smuggler to plead the fifth amendment despite his immunity agreement, and why the jury was not allowed to hear crucial evidence that the smuggler was a repeat offender. The judges will also need to look at why the prosecutor charged the agents under a statute that was intended for violent criminals carrying guns, not for law enforcement officers acting in the line of duty.

Nothing can erase the suffering these agents have undergone and the months they have spent in prison in solitary confinement away from their families. However, a judgment in favor of Ramos and Compean in this appeal would be an important victory and the first act of justice these agents have seen since their arrest.

Mr. Speaker, the injustice of this case should not go unexamined. Last night, I hand-delivered a letter to JOHN CONYERS, chairman of the House Judiciary Committee, to request a hearing on this case. Chairman CONYERS responded that he would carefully review my letter and my request.

In the eyes of the American people, the prosecution of these border agents was not justified. The comments by the appeals judge are justification enough for the House Judiciary Committee to review this case to determine exactly why this case got out of hand.

An unbiased review of this case by Attorney General Mukasey, a hearing by the House Judiciary Committee, and a Presidential pardon for these agents are all steps that can and should be taken to rectify this gross miscarriage of justice.

Mr. Speaker, I want to say to the family of these two border agents, Compean and Ramos, that we in Congress will not give up the fight for justice until their loved ones are at home.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. As a strong supporter of H.R. 6, the Energy Independence and Security Act of 2007, I wanted to take a few moments to speak about this important bill, which we passed earlier today in the House, and how delighted I am and my constituents are for its passage. It is a historic step forward in our goal toward reaching energy independence.

H.R. 6 raised CAFE standards to 35 miles per gallon by 2020, cutting oil consumption by 1.1 million gallons per day, also, eliminating greenhouse gases equivalent to 28 million cars from our roads. That's 28 million cars.

Among many important additional initiatives, it includes new energy efficiency standards to reduce demand. It extends renewable energy tax credits for solar and other renewable sources. It includes a renewable fuels standard that contains safeguards to reduce carbon emissions and protect our environment. It also contains a renewable electricity standard, requiring utilities to get 15 percent of their power from renewable sources by 2020. It also assists and empowers small businesses to cut costs and scale up innovative energy solutions.

It will create thousands of new good-paying green jobs and build on the work that has begun in places like the Ella Baker Center in my district in Oakland, California, which is helping to lead the green jobs revolution.

Mr. Speaker, this bill takes the right steps forward to reduce our dependence on foreign oil, to save our constituents money, and to fight global warming. Most importantly, it echoes the innovative steps that have already been taken by individual cities, States and districts like my district in the East Bay of California, Alameda County, to be specific.

In many ways, the California Bay Area, and my district in particular, are in the forefront of the innovation and research on alternative energy climate change and the environment. Ongoing research into alternative and renewable energy at the University of California at Berkley, one of the premier public universities in the country, of course I am an alma mater of the University of California at Berkley and very proud of that, we hold the promise of a cleaner and brighter future for our children, our country and the world.

Businesses in my district have also taken the lead in greening their activities to reduce waste, improve energy efficiency, and save water, minimizing the impact on our environment.

Innovative programs like the Ella Baker Center, which I already mentioned, and funded in part through the City of Oakland, are also training youth in my district about the importance of environmental stewardship and 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 of our constituents. Together, my community is at the forefront of a robust environmental movement that is quite literally changing the world for the better.

The passage of the Energy Independence and Security Act will help these grass-roots efforts expand and grow through Federal initiatives designed to put the United States on a path to energy sustainability.

Again, I am very pleased that the House passed H.R. 6, and I look forward to its final passage by the Senate.

In my district, we have the City of Albany, Berkley, Piedmont, Oakland, California, Ashland, Cherryland, Fairview, Castro Valley, unbelievable innovations which this bill will certainly support and enhance. So I urge the President not to reject this proposal and hope that he signs the bill when it reaches his desk.

OHIO'S OUTSTANDING HIGH SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. CHABOT) is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, I am proud to represent the congressional district that has so many outstanding high schools. Not only do these schools excel in academics, but they are home to some of the most gifted scholar-athletes in the Nation.

Just this fall, Cincinnati witnessed two of our young women's high school volleyball teams, Mother of Mercy and Mount Notre Dame, meet for the second State championship in the last 2 years.

After spending much of the season at the top of the rankings, Mercy senior leadership kept them strong at the end. Seniors Missy Harpenau, Stephanie Vorherr, Michelle James, and Kelly O'Connor lead the charge during the final games. Though Mount Notre Dame's standout players, Rachel Adams and Abbie Rees, rallied teammates for wins in the first and third sets, the Cougars couldn't hold on for a repeat of their 2006 success in winning the State championship.

Mercy avenged last year's championship loss with a 15–11 victory in the last minutes to finish a great season for Mercy and Coach Denise Harvey, as well as Mercy's fourth volleyball State title in program history.

In the interest of full disclosure, Mother of Mercy is near and dear to my heart because my wife, Donna, and my daughter, Erica, and my sister, Carol, are all Mother of Mercy graduates.

A third Cincinnati area high school, the St. Ursula Academy Bulldogs, have become a mainstay in the State soccer tournament, advancing to their third finals in 7 years. Down 1–0 at the half, St. Ursula rallied with goals by Tori Huster and Alexandra Berry to beat Strongsville 2–1. St. Ursula finished with a remarkable 20–1-2 record and a third State championship, the other two coming back in 1991 and 1993.

And, finally, I have the honor of congratulating St. Xavier High School for its second Ohio High School Division I State Football Championship in the last 3 years. On its way to a perfect 15–0 record, St. Xavier had probably the toughest schedule in the entire Nation, beating State champions from Ohio, Indiana, Kentucky, and national powerhouse DeMatha from locally here in Maryland. St. X also had the distinction of being the number one ranked team in the State the entire year and number one in the Nation in some polls.

St. Xavier's victory gave the district that I have the honor to represent its fifth division I State football title in the last 6 years, five out of the last 6 years, including Elder High School, who won it twice. I have two nephews, Joe Del Prince, who graduated last year, scored a number of touchdowns on the team last year, and his brother, my nephew, Mike Del Prince, who scored a touchdown against St. X. Unfortunately, when he scored that touchdown, he was hit pretty hard; and I ended up seeing him in the hospital a couple days later. But he's doing well, and he'll be great as a senior next year. And my brother, Ron, also is an Elder grad, played first singles tennis there some years ago, was on student council, and that kind of gave me my interest in politics, seeing my brother Ron succeed in that respect.

But this also, this victory by St. X was their 38th State title in all sports, the most of any high school in the State. St. X was led by a senior class that compiled a record of 40 wins and two losses in their 4 years at the school, including Fred Craig, the Ohio defensive player of the Year, and Danny Milligan, the Ohio co-offensive player of the year, and running back Darius Ashley, who set a division I record by rushing for 271 yards and two touchdowns in the championship game. Just incredible.

Kudos to head coach Steve Specht and the entire coaching staff for their tremendous accomplishments. Congratulations, St. X. And, again, in the interest of full disclosure, our son, Randy, is a senior at St. X and one of their great band field commanders under the leadership of Anthony Palm.

All of these student athletes have learned invaluable lessons about commitment, teamwork and perseverance that will serve each of them well as they prepare for the future. Both on and off the field they have helped further the tradition of excellence at their schools for which all of Cincinnati can be proud. It is an honor for me to congratulate these young men and women on the floor of the United States House of Representatives.

□ 1645

OMAHA MALL SHOOTING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, today I rise with a very heavy heart. Yesterday, our Nation witnessed yet another act of gun violence, this time at a mall in Omaha, Nebraska. I know my colleagues from Nebraska are going to be talking about this later. My hearts go out to them for the people that they represented. Eight people were murdered in the rampage. Five others were wounded, two critical. These victims did nothing wrong to deserve their fate. They were mothers, fathers, sons and daughters. They were just trying to do their shopping, and many of them were working at the mall. But the actions of a crazed gunman changed that in a matter of seconds.

Yesterday's shootings was a terrible tragedy. But unfortunately events like this happen almost every day. Every year we lose over 30,000 people to gun violence. Take a second to think about that. Every year, 30,000 victims. I have been here for 11 years. That is 330,000 people that have been killed because of gun violence while I was in Congress. When you want to put that in perspective, that is the City of Pittsburgh, Pennsylvania. Three hundred and thirty thousand victims.

When you think about it, what these families are going to be going through in the months ahead with the holidays coming, the pain they are going to be facing, the community, the pain they are going to be facing, I know a lot about that. Tomorrow is December 7. December 7. It was 14 years ago that we had the Long Island Railroad massacre. On that particular day, six people died, one of them my husband. On that day, 19 people were injured, my son critically. Fourteen years later, he is still suffering from that.

We, as a Nation, have to start looking how are we going to have this dialogue? I have never tried to do anything to take away the right of someone legally to be able to own a gun, and yet because of the way the laws are in this country and the way we do things backhandedly in this country, it is so easy to get guns. If you want to talk about what the health care costs are, it is over $100 billion a year the health care costs for those that survive these kind of incidents.

Think what we could do with that money. Maybe we could educate our young people and reach out to them a little bit better so they don't go into the world of violence. Maybe they won't join gangs. Maybe a good mental health program for this Nation so those like the gunman wouldn't have fallen through the cracks and gotten the help that he needed.

We, as a Nation, on a daily basis, face inconveniences. Tonight when I fly to go home, I will be getting on a plane. I am going to be going through security, all in the name of security and safety. When you go to get your driver's license, long lines. We do this for security and safety. It is an inconvenience. Getting a passport today is an inconvenience. Can't we serve a little bit of inconvenience and come together to make sure that those that are getting guns have the right to have a gun by passing background checks? Can't we make sure with a little inconvenience that we don't make it so easy for these

guns to float throughout our cities and come into some of our cities illegally? We cannot save everybody. I understand that. But think about if we could cut it down to maybe just 15,000 people a year dying. As far as I am concerned, one person dying is one too many.

I promised my son as he was recovering many years ago that I would do whatever I could to prevent another family from not going through what our families did. And here it is 11 years later. Here we had a terrible tragedy yesterday in Nebraska. Not long ago, we had a terrible tragedy at Virginia Tech. Before that, we had another terrible tragedy at another mall in the Midwest. We can think about all these terrible tragedies that are happening more and more not just in our inner cities now but in places in our country that we never thought we would ever see gun violence.

This Nation needs to decide what it is going to do to stop this rampage of unnecessary killings of innocent people. Three hundred thirty thousand people killed in the 11 years I have been here, I hope we can do better. I pray for the families. I pray for the communities.

IN HONOR OF THE HONORABLE HENRY HYDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker and my colleagues, one of the greatest voices to ever be heard in these Chambers has been lost to the ages. I rise today to pay tribute to my good friend, a great American and my former colleague, Henry Hyde. Tomorrow in Illinois, one of the State's most capable and eloquent Members of Congress will be laid to rest.

It was my distinct honor to meet Henry Hyde, to serve with Henry Hyde and to call Henry Hyde my friend. In this House Chamber over the past 150 years, there have been many who have spoken. I submit that if you had the privilege to hear Henry Hyde speak here, you were indeed most fortunate.

In this House of Representatives over the past several centuries, there have been many distinguished individuals. I submit that not only was Henry Hyde one of the most distinguished, but also one of the most appreciated individuals, one of the finest gentlemen, one of the greatest Americans to serve in this, the people's House.

Whether he was defending the unborn or relating his position to us on any matter before this House, Henry Hyde always spoke with dignity, conviction, principle and eloquence. When Henry Hyde addressed this House, its Members and all Americans listened. While everyone who knew Henry Hyde can tell us a very special story and personal experience about knowing Henry Hyde, there are several memories that I will always fondly cherish and remember.

I recall when Henry came to my district, came to my home in Florida. I will never forget when Henry Hyde stopped me, actually in this aisleway, here on the floor of the House, and in that aisleway he complimented me on my remarks that day. Imagine, Henry Hyde, the master orator, praising such common words. How honored I was by his compliment to so junior a Member on that day. There are many other stories I can tell about Henry Hyde and I know we can all share the other stories, but let me tell you in closing to relate one of my last memories of this great man.

I had the privilege of traveling with Henry to the United States European interparliamentary meetings overseas, and on my last trip with Henry to one of these meetings, one of the last times that Henry Hyde as I recall him serving as chairman of the International Relations Committee, we were flying together with others across the Atlantic to make our next day's meeting. I woke up in the middle of the night and everyone in the cabin on the plane was sleeping, with one exception, and that was Henry Hyde. Some of you may recall Henry had been quite ill towards the end of his service. He required assistance to walk, and I knew how uncomfortable and how difficult it was for him to travel. But here was Henry Hyde so committed to his responsibility, while in such great personal pain and discomfort that he could not rest, he had to sit up in his chair all night, but he was fulfilling his duties and his responsibilities. I knew that night and I knew when I first met him, I knew also when I first heard him, and I have known, and I have been honored to call him my friend, I have had the opportunity to know a great man, a great American, the gentleman from Illinois (Mr. Hyde).

To Henry's wife and family, and on behalf of all the people of the Seventh Congressional District of Florida, and personally, I extend my deepest sympathies.

CLIMATE CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, for the past 20 years, my colleagues in the scientific community have been issuing warnings that the release of greenhouse gases is altering the Earth's climate in ways that are expensive and deadly. It is well established in the scientific community that the climate change of recent decades can be attributed to the way we produce and use energy. In fact, the greatest insult to our planet is the way we produce and use energy.

As an energy scientist, I know how much can be done technically to reduce our dependence on fossil fuels and to slow the rate of global climate change. In fact, many countries around the world are taking those steps. Today, here in the House of Representatives, we have passed historic legislation which will finally take the long overdue first steps toward addressing global climate change and addressing our long-term energy needs. I am proud to have worked with my colleagues on this comprehensive bill which will move us toward reducing our dependence on fossil fuels and will spur the economic growth and will create new jobs and stave off further damage to our environment and our climate. This is one of the principle subjects that I have spoken about and worked on since I first ran for Congress, and it is one of the reasons, I believe, that my constituents sent me to Congress.

There are some excellent provisions in this bill that will drastically reduce our greenhouse gas emissions. This includes increasing the average automobile fuel economy to 35 miles per gallon by 2020. It will require the nationwide implementation of renewable portfolio standards requiring 15 percent of the Nation's energy in power generation to come from renewable sources. And these two provisions alone will save consumers as much as $40 billion in a dozen years and will decrease our annual greenhouse gas emissions by up to 324 million tons.

H.R. 6 will reverse many of the environmental detrimental policies that this administration and this country have implemented over the past 6 years. It will repeal the $23 billion in tax subsidies and royalty relief provisions for fabulously wealthy oil companies.

It will use this money to invest in renewable energy research and extend existing tax credits for the production of renewable energy. My home State of New Jersey has led the way on these issues. New Jersey has already implemented a renewable portfolio standard that requires 20 percent of the State's energy to come from renewable sources by 2020. New Jersey is the second leading State in solar energy production, with over 2,400 solar installations in place, and I am told it is the fastest growing market for solar energy in the United States.

The legislation passed here today will require our appliances and buildings to be more energy efficient, it will provide job training to help workers become part of the green economy, it will require the United States to reenter into the debate on global climate change, it will provide historic investment in renewable energy and biofuels research.

Of course, this bill is not enough. If it becomes law, it will be a start, a very good start. Having passed this bill, we will be able to consider other alternative energy and climate change legislation, and I am confident that we will.

□ 1700

ENERGY POLICY FOR A NEW DIRECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, for too long this Nation has been held hostage and has been dependent upon Middle East oil. For too long this Nation has been held hostage and been dependent on the automakers of this country in terms of determining whether kind of transportation we will have in the United States.

Today, just an hour or an hour and a half ago, this House voted overwhelmingly and on a bipartisan basis to break that dependency and to become free again, to become free of Middle East oil, to become free of the automakers who have prevented us from having more efficient automobiles, getting better miles per gallon, and greener, to save our environment.

By that vote, this House spoke for the independence of this country. By that vote, this House spoke for the American people who have been demanding from us now for many years to have automobiles that were more efficient, less polluting, that serve their needs. For many years, they have told us that they have been worried about our national security, about our foreign policy, when we are driven to decisions based upon the dependency of Middle East oil, based upon the dependency of foreign oil, based on the dependency of not having our own energy house in order so we can make those decisions.

When they have seen time and again American lives and treasure lost to secure sources of oil, they have asked for a new direction. They have asked for a new day in American energy policy. Just a couple of hours ago, the House of Representatives delivered to the American people that new energy policy and that new direction. It's a policy that is based in the future, it a policy that is based in American ingenuity, talent and skills. It's a policy that is based in innovation and discovery, the things that America has been great at since this country was founded, that real talent and the strengths of this Nation being pulled together for the new technologies of wind energy, of biotech energy, of ethanol, and the other alternative fuels that are available, to the alternative sources of electricity, whether it's wave energy, solar energy. That is what America does best. We have wasted 8 years while we have refused to embrace the future.

This bill over the next few years will generate 3 million jobs in every geographic sector of this Nation as utilities seek out alternative energy sources for the generation of electricity. That means the people will be going to work in solar facilities, people will be going to work in wind facilities, people will be going to work in biofuel facilities, in ethanol facilities, in all kind of new technologies, new production, new manufacturing, the next generation of manufacturing, the next generation of innovation.

When we were working on our Innovation Agenda, which this Congress passed a couple of months ago and was sent to the President, passed overwhelmingly on a bipartisan vote, signed by the President of the United States, when we were working on that Innovation Agenda with the leaders in biotech, in high-tech, in the venture capital community, people who are betting real money on the future of this country, they told us to give them a new energy policy that would drive a next generation of technology in the computer industry, in the telecommunications industry, in the biotech industry; that would drive the next generation of investment in energy and in the future of this country; that would drive the next generation of discovery and innovation.

Today, the House of Representatives delivered that energy policy to the American companies so they can go to work in discovery and innovation and creating jobs here in America in the new industries surrounding the new energy future and the new energy policy.

I am very, very proud this day to be a Member of the House of Representatives, casting this vote for a new energy future for America.

TRAGEDY AT THE WESTROADS MALL IN OMAHA, NEBRASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. TERRY) is recognized for 5 minutes.

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

Mr. TERRY. Mr. Speaker, I rise today with great sadness, for yesterday, at about 2 p.m., a tragedy occurred in my hometown, where eight people were killed, gunned down, some of them employees at Von Maur, others just shopping for the Christmas holidays. To those families, those eight families who lost a loved one so senselessly, my thoughts and my prayers go out to you. I can't imagine what you're going through today.

Our whole community across Nebraska, eastern Nebraska, western Iowa, not just Omaha, is scarred by this tragedy. A very disturbed 19-year-old man walks into this mall and this store and begins randomly shooting at people.

The victims of this terrible tragedy, this massacre: Gary Scharf, who was shopping, a resident of Lincoln, Nebraska; John McDonald, a customer, resident of Council Bluffs, Iowa. By the way, his daughter was an associate attorney for me. I have been communicating with her. To her, Suzanne Sheehan, and your family, my deepest condolences.

Also killed were six Von Maur employees: Angie Schuster, Maggie Webb, Janet Jorgenson, Diane Trent, Gary Joy, and Beverly Flynn, all of Omaha. Some of these were only 10 minutes from their shift being over and would be out of this store. Some of them are young mothers, leaving small children. There were others who were seriously injured, like Fred Wilson and Michelle Oldham. Others were also injured, like Jeff Schaffer and Brad Stafford.

Now just to put this in context, the first 911 call went out, and within 6 minutes our emergency response, our EMS, and our Omaha Police were in that store. But it was all done and over with by the time they could get there. The damage was already done. But they immediately began working on those that were injured and securing the mall for the other thousands of shoppers that were there.

I want to thank publicly our first responders from not only the city, but Douglas County, Sarpy County, the State Patrol, for their heroic efforts given in this tragedy. Now a tragedy of this scope and scale is just unthinkable. It's hard to get my mind around this. There's no way for us to understand this senseless act of violence, and I ask the entire country to pray for peace and healing during this difficult time for these families in our community.

God bless.

TRAGEDY IN OMAHA, NEBRASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, I thank my colleague, LEE TERRY, from the Second Congressional District, my neighbor. I, too, Mr. Speaker, want to extend my heartfelt sympathies to the families and friends of this senseless act of violence. Sometimes we are shocked by just how brutal the world can be and that came home to rest yesterday in Nebraska, where people, joyfully going about their holiday season, shopping, having time with loved ones, people wrapping gifts, all of a sudden being punctuated with this horrific act of violence that left eight people dead and in turn the perpetrator of the crime killed himself.

Mr. Speaker, Nebraska prides itself on being a wonderful place to live and to work and raise a family, and Omaha is truly a good community. I think if we have won consolation here, it will be that the community will pull together and will heal together.

On a personal note, as well, as Congressman TERRY mentioned, one of the victims of the tragedy was from my district and in fact had been a personal acquaintance and friend of mine, Gary Scharf. He was active in civic affairs. I knew he took great pride in the son that he had. I too wish to extend my deepest heartfelt sympathies to his family as well.

CONDOLENCES TO OMAHA VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Nebraska. Mr. Speaker, I rise also with a heavy heart to express my condolences to the families of the victims that were tragically gunned down yesterday in Omaha. It is amazing, as Mr. FORTENBERRY pointed out, how cruel the world can be, and I only hope that we will come together and look at the root causes of these sources of violence, as we look at the violence that affects basically a rural area of our country, the Heartland, as many would call it, that none of us can escape some of this violence.

As we pull together, I know that perhaps we can learn from what happened yesterday. But, again, I want to especially express the condolences that I feel for these many victims who actually have roots across Nebraska.

With that, I yield my time to Mr. KING of Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Nebraska for yielding. I stand here also with a heavy heart in joining with my colleagues from the west side of the Missouri River, and as we often stand together on policy and on issues that matter to the country and matter to our region, today we stand together in expressing our sympathies to the families of all of those involved in this tragic shooting.

As we move towards the Christmas season and the anticipation that brought people together in the Von Maur store, it's tragic that that was what was interrupted in such a brutal way, by such an act of insanity. Our thoughts and prayers go out to all the families of all involved; the families of the victims of those who were killed, the families of those who were wounded, those who were wounded, obviously, and also to the family of the shooter who committed that act of insanity, who must be going through an even more heightened sense of agony today and yesterday, and throughout, and perhaps the rest of their lives, an added measure of agony to those who have already suffered the incomprehensible loss of such a tragic incident.

I lost a constituent and had one wounded, and it has reached into the lives of the families on the Iowa side of the river. It is also true for each of the three Members of the Nebraska delegation, having lost at least one person that they represented here in Congress. We know that all families are affected.

And so we ask to stand here together and we will remember you all in our prayers throughout our holiday time, throughout this Christmas season. We will stand together for the rule of law, we will stand together for sanity. We are going to look to try to find a way to reach out, and perhaps, just perhaps there will be some key, some knowledge gained from this tragedy that we can better use to protect and maybe prevent future tragedies.

□ 1715

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

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 sections 308 (b) (1) and 309 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 fiscal year 2008, and the period of 2008 through 2012 for several House Committees. These revisions represent an adjustment to blouse committee budget allocations and aggregates for the purposes of section 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to a further House amendment to the Senate Amendment to the bill H.R. 6, The CLEAN Energy Act of 2007. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. 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.

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	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in the Energy Independence and Security Act (H.R. 6):			
Budget Authority	0	181	n.a.
Outlays	0	179	n.a.
Revenues	0	137	3,243
Revised Aggregates:			
Budget Authority	2,250,680	2,351,177	n.a.
Outlays	2.263,759	2,354,133	n.a.
Revenues	1.900,340	2,015,978	11,140,914

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[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.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	−1	−1	366	362	−59	−63
Natural Resources	0	0	0	0	0	0
Transportation and Infrastructure	0	0	125	0	1,525	0
Ways and Means	0	0	532	532	37	37
Change in the Energy Independence and Security Act (H.R. 6):						
Energy and Commerce	0	0	63	64	589	582
Natural Resources	0	0	0	0	1,886	1,886
Transportation and Infrastructure	0	0	3	0	42	0
Ways and Means	0	0	115	115	575	575
Total	0	0	181	179	3,092	3,043

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES—Continued

[Fiscal Years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Revised allocation:						
Energy and Commerce	−1	−1	429	426	530	519
Natural Resources	0	0	0	0	1,886	1,886
Transportation and Infrastructure	0	0	128	0	1,567	0
Ways and Means	0	0	647	647	612	612

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 710) ''An Act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.'', and

That the Senate agrees in the House amendment to the title of the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2371) ''An Act to amend the Higher Education Act of 1965 to make technical corrections.''.

PROMOTING THE ENGLISH LANGUAGE UNITY ACT

The SPEAKER pro tempore (Mr. CLAY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, it is an honor and privilege to be recognized to address you here on the floor of the United States Congress again. As many of the Members move forward to go home for the weekend and spend time with their families and their constituents and get in touch with the issues of the day, I delayed my transportation, so I have an opportunity to address you and, in the process, address the American people.

It occurs to me that there is subject after subject that doesn't quite emerge here on the floor of this Congress for an open topic of debate, and there are central issues around which we should be shaping policy, that policy that affects and directs the destiny of our country.

Some would say that the bill that passed here off the floor, the energy bill, will solve our energy problems and move our destiny in the right direction. I am a skeptic of that, Mr. Speaker. I don't come to address that so much.

But I believe this, that as a people we must be bound together. There is something unique about being an American. It is something unique, that it is different than coming from another nation in the world. We brought together all people from all cultures and all civilizations and assimilated them into this society to produce a common culture, a form of cultural continuity that binds us together as Americans.

As I listen and engage in debate, and as I read and study history and watch the reactions of people around me and think what it must have been like 50 years ago, when I wasn't quite paying attention in this country, or 100 years ago, when I wasn't around, or 200 years ago obviously, as America was shaped, what is it that is unique about us? What has given us our vitality? What has bound us together so that we can work together as one people?

There are a number of common denominators. We live in the same geographical area, we share a common history and we adhere to the rule of law. English common law flowed across the Atlantic Ocean and was established here in this continent, actually not too far down the coastline down at Jamestown in 1607 in Virginia. Four hundred years ago English common law arrived here in the United States.

But another thing that has taken place that is a common denominator, that has bound us together, that has been a powerful force for our society, for the American interests, and a powerful force throughout all humanity, is to have a common language.

Now, one can just take the globe at about any time, and let's just say going backwards across history, generation by generation, recognizing that national boundaries have shifted over time. They shift because of political transformations within the countries and they shift because of wars.

You can take this back to the city-state era before we actually had nation-states, and identify that the boundaries around the city-states and the boundaries around the nation-states from 300 years ago and earlier were often boundaries that were drawn by lines of language.

Languages grew up in colloquial regions, and because people communicated with each other verbally, languages evolved. And because people didn't travel in those days the way they travel today, then the languages that evolved in certain locales got more and more distinct and more difficult for the neighbors to understand.

Of course, we track language through, and because of commonalities in language, we also track the migrations and histories of people. But a common language has defined the boundaries of nation-states throughout history.

In France, they speak French; in England, they speak English; in Spain, they speak Spanish; in Portugal, they speak Portuguese; in China they speak Chinese; in Russia, they speak Russian. Why is that? I never hear anybody talk about that. But the reason for that is because common languages, the languages have defined the boundaries of nations, of nation-states.

Why does a nation-state have a boundary that is defined by its languages? It is because they are a common people. Whether they are Italians or Spaniards or French, they are a common people that are bound together by a common language. They have a common cause. They have a common sense of history. They work together. They communicate with each other. They do business together with far less suspicion because they can communicate quickly and effectively and efficiently with a common language.

There are things that come through languages that cannot be written into print, into the CONGRESSIONAL RECORD, for example. There is voice inflections. There are pauses that are parts of communication. There are certain kinds of pronunciations that change the meaning of a sentence. You can write a sentence out in English, and if you change the meaning of the word ''read'' and ''read,'' it spells the same but it means something different. There are all kinds of pronunciations and voice inflections throughout all languages that change the meaning of the communications of that language.

Because of all the nuances that come from the languages and because of the difficulty in understanding very many different languages, we tend to bind ourselves together, pulled around a common sense of purpose, which is a common language.

The strength of America is also common with the strength of many of the other nations, the nations that I mentioned. We have had a common language, too. The common language here in the United States has been English. It has been English since the beginning of the settlement in this continent. Yes, there have been challenges to it. We know there was a challenge from the German language. If I remember correctly, it was Benjamin Franklin who said that if we weren't careful, that the Germans would assimilate the English speakers before they were assimilated into the English-speaking culture.

But we know that didn't happen. We know that the English language prevailed. And we know that there have been significantly sized enclaves in America that persisted in hanging on to a language other than English, but

eventually, historically, they have assimilated into all speaking this common language called English.

Well, if one were going to shape and develop and devise a nation-state that had the very best prospect of succeeding and prospering, one of those essential components, and perhaps the most essential component, would be that the people of a nation-state speak a common language.

We have understood that in this country since the beginning of the establishment of the United States of America. In fact, Noah Webster I think understood it I think as well as anyone in the history of our country.

When we think about the history of Noah Webster, the author of the original American English dictionary, as he traveled around through the 13 original colonies of his time and he entered into region after region, he noticed that sometimes he couldn't understand what they were saying. They were all speaking English, most of them were speaking English, but they had chosen to use certain terms in a different way. They had adopted definitions on to other words. They had changed their pronunciations of words. And as he watched this and as he traveled and listened, he began to realize that the colloquial regions in the United States were forming and shaping their own unique languages. Even though they were rooted in English for the most part, he didn't believe it would be very long, another generation or two, and the American people would be no longer speaking the same language; that other languages were evolving from the English language that arrived here, and that eventually some regions in the United States wouldn't be able to communicate with their neighbors.

And Noah Webster believed, and I think correctly, that that would have brought about divisions within the United States, and we would eventually not be a unified country because of our inability to communicate with each other. And even though there is always a way to facilitate communication, even though we can do sign language and we can write notes and we can get an interpreter and exchange communications, and we do that, of course, in this country every day in our international trade constantly, that is not the same as having an instantaneous form of communication where everyone understands everybody and we have that ability to exchange ideas and measure the voice inflection and the pronunciation so that the communication of the message is clear.

Noah Webster understood that. So he set about writing the American English dictionary for that purpose, to be able to provide a common use of language, to provide a common language for the United States, an official language for the United States.

It was Noah Webster's dream that in the Constitution of the United States there would be a constitutional amendment that would establish English as the official language of the United States of America. He didn't see his dream realized, partly because he helped solve the problem by drafting and writing his American English dictionary. He did so for the express purpose of providing a common language, a utilization of the English language that would be universal from Maine to Florida, all the way up and down the coast of the 13 original colonies, because he understood that if people persisted in different pronunciations for the same word and different definitional use of the same word, that eventually the communications would break down among us as a people and we would be pitted eventually against each other. We would begin to see our neighbors as someone other than our friend and our neighbor and our countryman because we couldn't easily communicate with him.

So he wrote the American English dictionary, established a common language in the United States, and to some extent solved the problem, and it was not necessary in those years to pass a constitutional amendment to establish English as the official language of the United States.

That is the history of Noah Webster and that is the contribution that he gave to this country. And I think that he established that principle of a common language of English and protected it and preserved it. And if we never had Webster, if we had not had someone who had the vision to establish a common language for our country, we may not have held together throughout those years. We may not have actually gotten through the Civil War and bonded ourselves back together again. We might not have fought side by side in the Spanish-American War or World War I or World War II. We might not be the world's only unchallenged superpower today, if we hadn't had the wisdom of the early settlers in the United States, if we hadn't had the wisdom of the Founders, if we hadn't had the wisdom of a Noah Webster to establish English as a common language here in the United States of America.

Now, I want to make the point that in those years there were other languages that could have been just as successful. English was the language that was the language of our original settlers here in the largest number. It could have been German, it could have been French, it could have been Spanish. You can make a case for that throughout history.

But whatever that case is, it is English today. And English happens to be also the global language of commerce. It is the language we do business in in the world. It is the language that we negotiate politically in. At the roundtable in Brussels, at the European Union, when we sit around that roundtable and negotiate with all of those member nations, now I can't actually keep track, it was 15 when I was there last, I think it has gone to 25. But the language of negotiations in Europe around the roundtable at Brussels in the European Union is English. The representatives there, the French speak English, the Spanish speak English, the Portuguese speak English, because there needs to be a common language of communication. What will it be?

What will the documents be printed in? Do they get printed in 300-some languages that we commonly talk of as being the utilized number of languages in the globe? Or can it be printed in one? Well, if you have a common language, one is it. There is only one definition, there is only one understanding, and there is no misunderstanding, at least substantially less misunderstanding, excuse me.

So if a common language, an official language, a language of communications at the European Union in Brussels is English, and if the international language of business and commerce is English, and it is, and the international language of air traffic controllers that commands all airplanes that are flying and being controlled by air traffic controllers in America is English, and it is, and if the language of the maritime industry, the language that tells ships how to avoid running into each other in the fog is English, and English is the common language of the United States of America, and it gives us a competitive advantage with the rest of the world that does not speak English as fluently when it comes to business, and if it is the language we use when we negotiate in our trade relationships with other countries and the language we use when we negotiate our political disagreements and arrive at our agreements is English, then there is no case that I can think of to be made for the official language of the United States being anything else other than English.

□ 1730

And, Mr. Speaker, I come to the floor tonight to promote a piece of legislation, H.R. 997, the English Language Unity Act, and it establishes English as the official language of the United States of America.

I have just made the case that we didn't need to do that in the early 1800s or the early 1900s, because the people of this country understood the utility of having a common language, English, and because many of the people who came here as legal immigrants adopted themselves to and adapted themselves to and assimilated themselves into an English-speaking culture.

One of the examples would be my grandmother, who arrived here from Germany on March 26, 1894, and she walked through the Great Hall at Ellis Island. She came on the ship New York. Her name is on the manifest. And as she traveled across the United States, having made a commitment to this country, she got married to my grandfather. But my father was raised in a German-speaking home. And when he went to kindergarten on his first

day, which is interesting, a German term ''kindergarten,'' and it is kindergarten all over America even though it is a German term, but he came back from his first day. He went to kindergarten speaking German, he came back from his first day and said hello to his mother in German. And as my grandmother was working in the kitchen and welcomed him home from his first day of school, she turned to him when he had greeted him in German and said to my father, Speaking German in this household is for you from now on verboten. I came here to become an American and I need to learn English. And you shall go to school and learn English and bring it home and teach it to me. And from that moment forward, my father was forbidden from speaking German in his household because his job was to learn English, to embrace America, to embrace this host Nation, and to teach English to his mother, which he did pretty well.

He never taught her I don't think to get rid of her accent, but she certainly spoke English well enough that I never saw within her an inability to communicate. I always understood her when she told me what to do. But that tone, that acceptance of the host country, America, and the need to honor that by learning the language of the country that received the immigrants, English. And in turn, this country has rewarded people who have learned the English language and assimilated themselves into this culture, because they are rewarded through the chain of commerce, the job opportunities that are there.

And, yes, I know, I run into people that are entrepreneurs that didn't learn English and they did well marketing their goods and doing business. And they said, why did I learn English? I will say they could have done better than they did. A good person with English language skills in this country has an advantage over a good person without English language skills in this country. It is true in every culture and every civilization, if you speak the common language of the country that you are in, then you have an advantage when it comes to business, you have an advantage when it comes to education. In fact it is very, very difficult if not impossible to understand the history and the culture of America without understanding the language of this country. I don't know how that could be done without understanding the language of this country to understand it thoroughly. So I believe we need to establish English as the official language of the United States.

This is not a unique concept to the rest of the world, Mr. Speaker. In fact, it is unique that we do not have an official language here in the United States.

I sat down a few years ago and got down a world almanac. And if you turn to the page where the flags are, there is a flag for each of the countries in the world. And I sat next to me the ''World Book Encyclopedia,'' this is pre-digital era; now I would look it up on the Internet. But as I turned the pages through the ''World Book Encyclopedia,'' I looked up every country in the world, every country that had a flag registered in the ''World Almanac.'' And there in the ''World Book Encyclopedia,'' in the first paragraph of the description of the countries it will show ''official language.'' I looked up the official language of every country in the world, and there was an official language, at least one, some have several, but at least one official language on record in the ''World Book Encyclopedia'' for every nation on this planet except the United States of America.

So when we talk about establishing an official language here, English, the official language of the United States, and I hear people cry out that somehow that is a major inconvenience to people who come here speaking other languages and that we don't need an official language, that kind of argument defies the logic of the rest of the world. The logic of the rest of the world understands that there has to be official documents, there have to be official proceedings. There has to be an agreement on what language means. And if we will accept any language into our official activities here in the Federal Government, then we are forever litigating the differences between the interpretations of those languages.

For example, let's just say that we had two people that came together and signed a contract, and one of them wanted that contract in Vietnamese and the other wanted the contract in Korean. And so they agreed verbally, even though they didn't communicate with each other because of a lack of the common language skill, that they would have a contract each in Korean and Vietnamese. And they each then signed the contract. The one provider who signed the contract was, let's say, the owner who was going to pay to have their house remodeled, they have a misunderstanding. And the contractor who adheres to the Korean language says: I have a disagreement; you've not upheld your end of this contract. And the owner, who might have this contract that he understands in Vietnamese, says: You have not held up your end of the contract.

How do we litigate something like that within the courts of the United States of America when there is a disagreement on the interpretation between two languages that are not common languages in the United States but official languages of the countries where they came from? Can we be litigating those kind of disagreements? Or can we simply say, a contract with the Federal Government is an official document; it shall be in English. If you choose to interpret that into another language for the purposes of the utility of your needs, that is fine with us, but we aren't going to litigate the difference in the courts of America because of people who refuse to use the official language of the United States, which needs to be established as English. That is one explanation.

Another explanation of this, of that need, would be, as I sat down with one of the ambassadors to the United States from Israel just a few years ago, he explained to the group, and if I remember correctly, it was the Policy Committee that was hosting the ambassador, that Israel had established Hebrew as the official language of Israel in 1954. Mr. Speaker, I would remind you that Israel was established as a nation in 1948, and just 6 years after they became a nation, certainly they had war, they had turmoil, they were at great risk, but they were shaping and laying the foundations for a nation that was going to have enemies surrounding them in all directions.

A very precarious spot for a nation to be in, the most important things needed to be focused upon, and the very best and most effective foundations for a nation needed to be laid, and yet just 6 years after they were established as a country they established Hebrew as the official language of Israel.

And I asked the ambassador, Why did you do this? Why did you establish an official language, and why did you choose Hebrew? And he said, We saw the success in the United States of assimilation from people all over the world coming into the United States and being accepted as Americans. We recognized that we were bringing refugees from all over the world, mostly Jews, to come live in Israel, reaching out to them; and they spoke languages from dozens of different countries and we didn't have a common language in Israel. We needed a language that bound us all together and identified us as Israelis and so we chose Hebrew.

And I asked again, but why Hebrew? Hebrew had been the language that was used primarily and almost exclusively in prayer for the last 2,000 years. The Israelis resurrected basically a dead language as far as street communication, business communication, commerce was concerned, and they brought Hebrew back up again and established it as the official language of their country and taught the Hebrew language to all Israelis. And today, as someone immigrates into Israel, they go to an assimilation center, I will call it; they have a different name which I don't recall, where they are taught in 6 months to learn the Hebrew language and to go out and function and perform within the broader society of Israel. So Israelis that learned Hebrew have that unique identifying quality. They can walk up to any other Israeli, speak to each other in Hebrew, and they will be bound together in the nation of Israel by that common language.

And just as an aside, Mr. Speaker, those who come to Israel who come from countries where they may be illiterate in their native language, the Israelis then teach them to be literate in the written and spoken word of their native language, and then transition

them into Hebrew, teaching them the written and the spoken language of Hebrew. That is about an 18-month process rather than the 6-month process of those who are literate in their own language who come into Israel and are taught Hebrew.

They make this work. This is not a language that is known very much throughout the world. They resurrected a language that wasn't utilized, but they identified that a common language would bind people together in the nation state and that would help them work together and help them struggle together and help them fight together to defend themselves from their enemies from without. And one of the powerful, unifying forces they recognized was a common language.

And, here in this country, we remain the only country in the world that doesn't have an official language. We say English is our common language, but we have forces out here seeking to subdivide us, and we have billions of dollars that flow out of this Congress that go into the hands of people who are promoting division in America and not unity in America. The message that many immigrants get when they arrive here in this country is, if you learn English, and this message is clearly given as part of the debate here on the floor, if you learn English, you give up your own culture. That is the message that we hear.

Not true. In my neighborhood, I look around my neighborhood and certain communities that were ethnic enclaves when they were settled, German, Danish, Irish, Swedish, to name a few in my neighborhood, but the people that came here speaking a foreign language have adapted into English, and hardly any of them speak another language other than English that live there. But you could not convince them that they have given up their culture. You can't convince a German that their culture has changed dramatically because they have adhered to a common language here.

Now, I think utilization of other languages and language skills are a good thing, and I encourage young people to study foreign languages. I use that in the analysis of culture and use that in trade and use that in foreign travel and use that to help open up our negotiations and discussions and reduce the friction and the conflict from nation to nation. Those are all good things. But a common language within a country binds it together, and accepting English as our official language means that the people who do so are tied more to a common sense of history, more to a common cause.

As I listened to testimony that came before the small business community sometime back, we had a witness that came in who was second in command to Elaine Chao, the Department of Labor, and she testified that they had difficulty in finding enough workers who could go into a factory and be taught how to run the punch press or the lathe or common manufacturing equipment, not because they lacked the education and not because they lacked the intellectual ability, the brain power, so to speak, Mr. Speaker. No, because they lacked the language skills. They didn't understand enough English, so they couldn't be taught how to run a punch press or a lathe. They couldn't work in that environment because of the lack of language skills.

And so I listened to that testimony and I said to the witness, I can understand why you would have that difficulty with first-generation immigrants. But can you tell me, do you encounter second-generation immigrants, people who were born in the United States of America, born into an English-speaking country, that haven't learned to speak English? Are they part of this problem? Do you run across those incidents? And into the CONGRESSIONAL RECORD she answered me, Yes, we do. We run into second-generation immigrants, native-born Americans that don't learn enough English to work in that factory. In fact, we have third-generation Americans that haven't learned enough English to go to work in these factories. And they are not included in the opportunities that are provided by the jobs in these regions because, if they haven't learned the language enough to work in the factory by three generations, now how do we convince the rest of the public and how am I to be convinced that they have assimilated into society, that they adhere to the American Dream, that they salute the flag and know the Pledge and say the Pledge?

□ 1745

How do we know that they would put on the uniform of this country and defend America? What would indicate to us that they have embraced this host Nation? If the grandchildren of the immigrants who move here don't learn English, what does that tell us about our society? Have we failed them? Have they failed us? I would submit, Mr. Speaker, it is some of each. They have failed to embrace this country and we have failed to set up a system that brings them in and welcomes them into our society and gives them the skills that allow them to be successful and feel they are part of this great Nation and part of this citizenship of being an American that is such a blessing.

Another argument that argues compellingly for an official language here in the United States goes back to 245 B.C. That is before Christ, for those of you who are getting the modern-day education. So 245 B.C., the first emperor of China, and they have tried to teach me how to say that in Chinese. I have never learned, but it is Qin Shi Huangdi. So Qin Shi Huangdi, the first emperor of China, pronounced correctly by the Chinese, not by me, had a vision. He recognized that there were 300-some provinces in China, separate regional areas. Certainly there were that many different colloquial languages that were in China.

As he traveled around that part of the world that we see today as China, he recognized that they had a common culture. The Chinese people, as we know them today, wear similar clothing and have similar work habits. They had had similar religions across the spectrum to some degree, and yet they didn't speak a common language and so they couldn't communicate with each other, which means that they didn't trade and travel. And when enemies came from without, they were not able to organize themselves to defend themselves from within because they didn't have the communication skills and ability to speak a common language.

So the first emperor of China looked about and decided I am going to establish a common language for China. He hired a group of scribes, scholars of the day, and said go to work and write a common language. I want all of the Chinese people to be able to communicate in the same language.

The scribes sat down and drafted this language, and the language that was created by the scribes under the first emperor of China is a language that has about 5,000 commonly used characters, about 50,000 out at the limits of the expanse of the varieties of the characters, picture words is how they have put that together, and I can't begin to understand it, but I can tell you that the common language that was created, especially the written language of the Chinese, has bound them together. They recognize the writing and they can read script that comes from any corner of the country.

So 245 B.C. is about the era that this began, and the first emperor of China's vision was to unite the Chinese people for the next 10,000 years. For the next 10,000 years. What a dream. We are about a fourth of the way through that and there is no sign that the Chinese people are going to be ununited or disunited. And yes, they have different versions of the Chinese language that they do speak on the continent. Cantonese and Mandarin come to mind, but the written language is the same. And the literate Chinese can read and write it. And it has to be hard to put those pictures together on a Chinese keyboard today, but they do it. And they are bound together as one people.

And the vision of the first emperor of China was that he saw some other commonalities that he wanted to establish. Also, there were sections of the Great Wall of China that were not connected, and so the invaders from without could go around the wall and come in. The first emperor of China connected the sections of the walls of China so it became one Great Wall instead of disconnected sections of the wall.

And he established the terra-cotta guards. He also recognized the widths of the ox carts weren't the same and so the ruts would put stress on the wheels and you might break a wheel. He standardized the axle spacing of the ox carts so they could travel and do commerce. He had a vision, a standardization.

Imagine a train, an engine and a set of cars of a train that has a different width of track. When you reach another set of track, you have to off-load your cargo and put it on a car that will travel on that different width.

What would it be like if every State in the Union had a different width for the railcars? It would debilitate rail travel, so we standardize it. We have one gauge of track that takes you anywhere in the United States of America.

We have had one language that takes you anywhere in the United States of America, until such time as the multiculturalists cut loose here in the last 20 to 30 years and began to try to convince people, don't assimilate into this culture, just simply hang onto the culture you brought with you and dig yourself in in an ethnic enclave and raise two and three and maybe even a fourth generation of people whose hope lies within the enclave and not with the Nation outside the enclave.

It doesn't make sense, Mr. Speaker, for us not to have an official language here in the United States because an official language provides a motivation and an incentive for all regions of the country to adapt themselves to an official language.

If they do that, then they will be teaching English within the enclaves in America, the places where I can't go to communicate with anybody anymore. And why do I, in the heartland of America, need to walk into a bank or convenience store and get out my card at an ATM, and I stick my card in there and the first question it asks me is: What language do you want to communicate in? I have to read all of that. If I read it from the bottom to the top, it will burn up to 7 or 8 seconds until I get to the top. Then I push the English button and wait for the transaction to light up the screen. If you push the button wrong, you have to start guessing again to back out of it.

Because we provide multiple languages on street signs or multiple languages on ATMs and multiple languages on directions, it doesn't help people have an incentive to learn English.

Mr. Speaker, it works like this. If I pull up to a stop sign in Kuwait and in Arabic it says ''stop'' and in English it says ''stop,'' my eyes go to the language that I understand. No matter how hard I try to memorize what ''stop'' looks like in Arabic, I am never going to learn Arabic because it is always there enabling me to take the English way out, the easy way out, the part that I know.

And if we provide ATMs in foreign languages, I don't have a law that bans that. That is a free commerce idea. Please do what you want to do, bankers. If I have a choice, I will go to the ATM that gives it to me only in English because I don't want the confusion. But that is a free market plan. I don't disagree with that, but I am making the point that multiple language availability does nothing but enable people to continue living in the enclave and not assimilate and learn the language.

So official documents and proceedings here in the United States need to be in English. I ask the States to establish and pass the same kind of policy. And there are nearly 30 States that do have English as the official language. Iowa is one of them. I did spend 6 years establishing English as the official language of the State of Iowa. That requires that all official documents and official proceedings be in English. And it has commonsense exceptions like justice. You wouldn't lock up a criminal if they didn't understand the charges against them. We would provide health care to people regardless of whether they understood the language or not.

We do provide driver's license tests in at least six different languages. I disagree with that. I do believe that should not be an exception. But regardless, that is the policy that is out there. A number approaching and maybe actually meeting 30 States have English as the official language in one form or another to pull people together, to bind us together, not to divide us apart.

And the effort to divide constantly comes from this side of the aisle and it pits Americans against Americans. But we understand that the official language is inclusive not exclusive. Every nation in the world has an official language except the United States because it understands the unifying power of a common language.

The polls support this. You can look at polls that show from 82 percent of Americans support English as the official language on up to 88 percent of Americans support English as the official language.

English is a common form of communications currency in this country and in business and in air traffic control and in politics and in maritime industry throughout the world. We need to establish it here because holding that principle together sends the message to people who come here that this Congress, this Nation, the majority of the States from within, expect you to learn English.

They come here expecting to learn English. None of us go to a foreign country and seek to impose our language on the government of a foreign country. If I walk into a service in France, I will have to be doing business with them in French. They don't feel compelled to pay for my interpreter or to print road signs in languages in France other than French.

But one might take a look up to Quebec, a province in Canada, to give some instruction on what happens when a society is split apart by competing languages. Cultures follow down the line of language. When you speak a common language, it pulls your culture together. When you can't communicate with each other, it divides the culture.

So the French speakers in Quebec have been insistent that they continue speaking French. When you go into Quebec in those regions, the street signs are in French. There have been two votes in my memory, and one of them I believe was about a decade ago, where Quebec voted on whether to secede from the rest of Canada. And thinking about that, it was the Quebecois who had the decision to make. It wasn't put out for the rest of Canada, just the Quebecois. They came within less than 1 percentage point of separating Quebec from the rest of Canada. Had they done that, they would have effectively separated Canada into three separate geographical regions. Everything west of Quebec to the Pacific Ocean would have been a region, Quebec itself a separate region, and the maritime provinces on the east side a separate region. The English-speaking components of Canada would have been the east and west, and in the heart would have been Quebec, the French-speaking province. They came within less than 1 percentage point of seceding Quebec from the rest of Canada. And why? Because they insisted upon not speaking a common language of the nation that they were part of, Canada.

If you ask anybody in Canada that lived through that era and asked them if English had been the official language of Canada from its beginning, had been the language of educational instruction and science and technology and business in all of Canada, the remnants of the French language would have persisted and it would have existed within the culture and been part of the conversational language going on in Quebec, but it wouldn't have been a political divider. The wedge that came down between the Canadians was a wedge driven exactly along the lines of language because the lines of language define the lines of culture, and it separated people politically and pitted them against each other.

If they only communicated in a common language, all French or all English, there never would have been a vote that came up before the Canadian people, and the risk of that nation being fractured apart would never have been faced by the voters. There is always a movement by Quebec separatists, but it seems to have been tamped down recently. But language is the fault line. If you want to erase fault lines in nations, you need a common language for the nation.

So I will make the point, there has never been a successful multilingual nation in the history of the world. The Soviet Union would be a very good example of this. The Soviet Union was put together and cobbled together by force, by military force, by economic leverage. We looked at all of the different regions of the Soviet bloc, and I grew up living with that and doing the air raid drills at the same time, watching the Soviet Union and the distinctions between Russia and the balance of the Soviet satellite states.

If you look at those satellite states today after the wall came down on November 9, 1989, we saw freedom echoed across Eastern Europe all of the way to the Pacific Ocean, losing some of that today, it appears, in Russia. But the Nations that spun themselves off were nations that were distinct by language. The languages in the Baltic states re-established some of their languages as their official language. They were trying to impose Russian on them, and the Baltic states rejected that to some degree.

□ 1800

They've gone back and re-established their native languages as their official language. It binds them together as a people. Polish binds the Poles together. Bulgarian, well, that's another subject. But if we go down into a place like Kurdistan, they speak a distinct language. The languages again are the defined borders of the nation states that emerged when they broke away from the Soviet bloc after the wall came down in 1989. This is a simple concept to understand in history. If you watch the map change, of the world, watch it change historically, and as that map changes, ask yourselves, what are these lines? Are they lines of language? Generally, they are. The lines of language generally match the lines of culture. And if we can speak a common language, it binds us together as a common people.

And so H.R. 997, English is the official language, is a piece of legislation that establishes English as the official language of the United States of America. It requires that all official activities and documents of the government be in English, and provides commonsense exceptions so that we can continue to do business in this country without confusion, without lack of communication, and still, at the same time, we make those exceptions so that no one is disenfranchised that is in this country, at least legally, and has a legal access to some of those benefits.

I think about another form of history, or another experience in history that has to do with the Spaniards as they arrived in the New World and down into the Central American region. And if you remember, as the conquistadores moved their way northward, they went on into the areas of southern Arizona, as we know it today, the Pueblo Indian area. And there you had the Zunis, the Hopis and the Anasazi Native Americans that were in that region. They come to mind as I look back upon the history because, as the Spaniards invaded into that territory and as they came into the communities, the settlements, the Indian villages, it was easy for them to take on one village and raid that village and destroy the opposition within the village and enslave the balance of the Native Americans that were not killed in the invasion and the occupation of the villages.

And the Spanish conquistadores could go, in the 1500s, they could go from village to village. And even though those neighborhoods were common in culture, the Native Americans in that region wore similar clothing, ate similar foods, had similar habits and practices and similar work habits, they didn't speak a common language because they lived in enclaves. They hadn't traveled and traded. Because they didn't interchange their cultures, because they didn't have a common language, the Spanish were able to divide and conquer the Native Americans in that region in southern Arizona in the 1500s, the Zunis, the Hopis, and the Anasazis, and perhaps others.

But as the Native Americans were enslaved by the Spaniards, they were taken into the missions and there they were converted to Christianity and they were taught Spanish. They imposed the Spanish language on the Native Americans in the southern parts of Arizona.

And guess what happened, Mr. Speaker? The Native Americans, the Zunis, the Hopis and the Anasazis, they figured out that now they had a lingua franca, they had a common language, the common language being Spanish which was taught to them and imposed upon them within the missions in the southern part of the United States; and because now they had a common language they could bind together, maybe they came together, and they threw the Spanish out. For decades they kept the Spanish out of that region and they defended their own neighborhood and their own country because they had learned something from being occupied, and that was they learned a common language. Even though it wasn't their native language, it was the language of their conquerors, they adopted and adapted to the Spanish language and used that common language, that common form of communication as currency, a lingua franca, to throw out their oppressors and their invaders and live free for decades and some will say perhaps as long as 200 years before the Spanish were able to impose their will again on the Native Americans of that region.

That's a piece of history that's hard to find. It's hard to find a place to read. It's hard to find something to study on it. It's a component that I think is quite interesting and instructive.

A common language binds us together. It lets us communicate for a common cause. It's going to move this Nation forward and make us more successful than we have been in the past. It preserves our culture, our history, our heritage. It gives us a common experience. It ties us to our history, and it lets an American go from corner to corner, from Maine to California and from Washington to Florida, and pick up a newspaper or walk into a store or a church or a park or a school or anywhere and be able to communicate in a common form of communications currency, at least with government. And if government uses the common form, the incentive will be there for others to use that common form.

It doesn't discourage learning other languages. I encourage that we learn other languages in order to communicate with other countries. But to be a foreigner, to be a stranger in your homeland, to go to a region of America that 50 years ago was an English-speaking region and today, where people do not speak English, within the United States of America, tells me that we haven't done the job of assimilation. We haven't found the formula to promote this inclusiveness that's necessary to bind us together with the common form of communications currency.

And so the bill establishes English as the official language. It's very simple. It says, official language of the United States. The Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. And the official functions of government are to be conducted in English. Official functions of the Government of the United States shall be in English. And then the practical exceptions that I mentioned earlier, Mr. Speaker, are exceptions for the teaching of languages, any requirements under the Individuals with Disabilities Education Act, any actions, documents or policies necessary for national security, for international relations, trade, tourism or commerce, all excepted within the bill. It has exceptions of language requirements for documents that protect the public health and safety of the United States, or any documents that facilitate the activities of the census.

We need to be able to count people here. And any actions that protect the rights of victims of crimes or their defendants, the legal portion of this, and then any use of terms or art or phrases from languages other than English, and certainly, that would include the geographical regions like Iowa; that's a Native American name.

And so we also have a requirement here in the United States that if you're to be naturalized as an American citizen, you have an obligation, an affirmative obligation to demonstrate proficiency in both written and the spoken English language. And as I watch some of the naturalization ceremonies that we have, and I speak at a number of them, and I watch the reactions of those being naturalized, if I tell a joke in a speech in that environment, Mr. Speaker, those that get the joke laugh. And those that don't understand the language do not. It tells me that we really don't have a very high standard in requiring proficiency in English in order to be naturalized as an American citizen.

That is the law, Mr. Speaker. And the law is written with a vision in mind that we need to be bound together as one people. So I am here to endorse H.R. 997, English as the official language. It will bind us together as one people. It will give us a common form of communications currency. It

will make us a stronger and better Nation and a stronger and better people for generations to come.

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

CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON submitted the following conference report and statement on the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes:

[The conference report will be printed in Book II of the RECORD.]

CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON submitted the following conference report and statement on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 110–478)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2082), to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Specific authorization of funds within the National Intelligence Program for which fiscal year 2008 appropriations exceed amounts authorized.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.
Sec. 303. Multi-level security clearances.
Sec. 304. Pay authority for critical positions.
Sec. 305. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 306. Annual personnel level assessments for the intelligence community.
Sec. 307. Comprehensive report on intelligence community contractors.
Sec. 308. Report on proposed pay for performance intelligence community personnel management system.
Sec. 309. Report on plans to increase diversity within the intelligence community.

Subtitle B—Acquisition Matters

Sec. 311. Vulnerability assessments of major systems.
Sec. 312. Business enterprise architecture and business system modernization for the intelligence community.
Sec. 313. Reports on the acquisition of major systems.
Sec. 314. Excessive cost growth of major systems.

Subtitle C—Other Matters

Sec. 321. Restriction on conduct of intelligence activities.
Sec. 322. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 323. Modification of availability of funds for different intelligence activities.
Sec. 324. Protection of certain national security information.
Sec. 325. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 326. Report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.
Sec. 327. Limitation on interrogation techniques.
Sec. 328. Limitation on use of funds.
Sec. 329. Incorporation of reporting requirements.
Sec. 330. Repeal of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 403. Additional duties of the Director of Science and Technology.
Sec. 404. Leadership and location of certain offices and officials.
Sec. 405. Plan to implement recommendations of the data center energy efficiency reports.
Sec. 406. Comprehensive listing of special access programs.
Sec. 407. Reports on the nuclear programs of Iran and North Korea.
Sec. 408. Requirements for accountability reviews by the Director of National Intelligence.
Sec. 409. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 410. Authorities for intelligence information sharing.
Sec. 411. Authorities of the Director of National Intelligence for interagency funding.
Sec. 412. Title of Chief Information Officer of the Intelligence Community.
Sec. 413. Inspector General of the Intelligence Community.
Sec. 414. Annual report on foreign language proficiency in the intelligence community.
Sec. 415. Director of National Intelligence report on retirement benefits for former employees of Air America.
Sec. 416. Space intelligence.
Sec. 417. Operational files in the Office of the Director of National Intelligence.
Sec. 418. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 419. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.
Sec. 420. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.

Subtitle B—Central Intelligence Agency

Sec. 431. Review of covert action programs by Inspector General of the Central Intelligence Agency.
Sec. 432. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.
Sec. 433. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 434. Technical amendments relating to titles of certain Central Intelligence Agency positions.
Sec. 435. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Subtitle C—Defense Intelligence Components

Sec. 441. Enhancement of National Security Agency training program.
Sec. 442. Codification of authorities of National Security Agency protective personnel.
Sec. 443. Inspector general matters.
Sec. 444. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 445. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 446. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 451. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 502. Report on intelligence activities.
Sec. 503. Aerial reconnaissance platforms.

Subtitle B—Technical Amendments

Sec. 511. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 512. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 513. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 514. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.

Sec. 515. Technical amendments to the National Security Act of 1947.

Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 517. Technical amendments to the Executive Schedule.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2008, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 2082 of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2008 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) TRANSITION TO FULL-TIME EQUIVALENCY.—

(1) TREATMENT FOR FISCAL YEAR 2008.—For fiscal year 2008, the Director of National Intelligence, in consultation with the head of each element of the intelligence community, may treat the personnel ceilings authorized under the classified Schedule of Authorizations referred to in section 102(a) as full-time equivalents.

(2) CONSIDERATION.—In exercising the authority described in paragraph (1), the Director of National Intelligence may consider the circumstances under which civilian employees are employed and accounted for at each element of the intelligence community in—

(A) a student program, trainee program, or similar program;

(B) reserve corps or equivalent status as a reemployed annuitant or other employee;

(C) a joint duty rotational assignment; or

(D) other full-time or part-time status.

(3) NOTIFICATION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall notify the congressional intelligence committees in writing of—

(A) the policies for implementing the authorities described in paragraphs (1) and (2); and

(B) the number of all civilian personnel employed by, or anticipated to be employed by, each element of the intelligence community during fiscal year 2008 accounted for—

(i) by position;

(ii) by full-time equivalency; or

(iii) by any other method.

(4) TREATMENT FOR FISCAL YEAR 2009.—The Director of National Intelligence shall express the personnel levels for all civilian employees for each element of the intelligence community in the congressional budget justifications submitted for fiscal year 2009 as full-time equivalent positions.

(c) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—In addition to the authority in subsection (a), upon a determination by the head of an element of the intelligence community that activities currently being performed by contractor employees should be performed by government employees, the concurrence of the Director of National Intelligence in such determination, and the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize for that purpose employment of additional full-time equivalent personnel in such element of the intelligence community equal to the number that is—

(1) in the case of personnel of Office of the Director of National Intelligence, not more than 5 percent of the number of such personnel authorized for fiscal year 2008 by the classified Schedule of Authorizations referred to in section 102(a); or

(2) except as provided in paragraph (1), not more than 10 percent of the number authorized for fiscal year 2008 by the classified Schedule of Authorizations referred to in section 102(a).

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a) or (c).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $734,126,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 952 full-time or full-time equivalent personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $39,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2009, and funds provided for procurement purposes shall remain available until September 30, 2010.

(2) TRANSFER OF FUNDS.—The Director of National Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used for purposes of exercising police, subpoena, or law enforcement powers or internal security functions.

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. SPECIFIC AUTHORIZATION OF FUNDS WITHIN THE NATIONAL INTELLIGENCE PROGRAM FOR WHICH FISCAL YEAR 2008 APPROPRIATIONS EXCEED AMOUNTS AUTHORIZED.

Funds appropriated for an intelligence or intelligence-related activity within the National

Intelligence Program for fiscal year 2008 in excess of the amount specified for such activity in the classified Schedule of Authorizations referred to in section 102(a) shall be deemed to be specifically authorized by Congress for purposes of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed 2 years.

SEC. 303. MULTI-LEVEL SECURITY CLEARANCES.

(a) IN GENERAL.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) MULTI-LEVEL SECURITY CLEARANCES.—The Director of National Intelligence shall be responsible for ensuring that the elements of the intelligence community adopt a multi-level security clearance approach in order to enable the intelligence community to make more effective and efficient use of persons proficient in foreign languages or with cultural, linguistic, or other subject matter expertise that is critical to national security.''.

(b) IMPLEMENTATION.—The Director of National Intelligence shall issue guidelines to the intelligence community on the implementation of subsection (s) of section 102A of the National Security Act of 1947, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 304. PAY AUTHORITY FOR CRITICAL POSITIONS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 303 of this Act, is further amended by adding at the end the following new subsection:

''(t) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for 1 or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

''(2) Authority under this subsection may be granted or exercised—

''(A) only with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

''(B) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

''(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

''(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

''(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.''.

SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

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

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMISSION OF GUIDELINES TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

SEC. 306. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

''(a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President under section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of personnel positions requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

''(12) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

''(13) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

''Sec. 506B. Annual personnel levels assessment for the intelligence community.''.

SEC. 307. COMPREHENSIVE REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than March 31, 2008, the Director of National

Intelligence shall submit to the congressional intelligence committees a report describing the personal services activities performed by contractors across the intelligence community, the impact of such contractors on the intelligence community workforce, plans for conversion of contractor employment into government employment, and the accountability mechanisms that govern the performance of such contractors.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is providing a substantially similar functions to a government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and government employees performing substantially similar functions;

(G) an analysis of the attrition of government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to government employment under the authority described in section 103(c) of this Act and the justification for such conversion;

(I) an analysis of accountability mechanisms within services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2006 and 2007;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices of accountability mechanisms within services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 308. REPORT ON PROPOSED PAY FOR PERFORMANCE INTELLIGENCE COMMUNITY PERSONNEL MANAGEMENT SYSTEM.

(a) PROHIBITION ON PAY FOR PERFORMANCE UNTIL REPORT.—The Director of National Intelligence and the head of an element of the intelligence community may not implement a plan that provides compensation to personnel of that element of the intelligence community based on performance until the date that is 45 days after the date on which the Director of National Intelligence submits a report for that element under subsection (b).

(b) REPORT.—The Director of National Intelligence shall submit to Congress a report on performance-based compensation for each element of the intelligence community, including, with respect to each such element—

(1) an implementation time line which includes target dates for completion of—

(A) the development of performance appraisal plans;

(B) establishment of oversight and appeal mechanisms;

(C) deployment of information technology systems;

(D) management training;

(E) employee training;

(F) compensation transition; and

(G) full operational capacity;

(2) an estimated budget for the implementation of the performance-based compensation system;

(3) an evaluation plan to monitor the implementation of the performance-based compensation system and to improve and modify such system;

(4) written standards for measuring the performance of employees;

(5) a description of the performance-based compensation system, including budget oversight mechanisms to ensure sufficient funds to pay employees for bonuses;

(6) a description of internal and external accountability mechanisms to ensure the fair treatment of employees;

(7) a plan for initial and ongoing training for senior executives, managers, and employees;

(8) a description of the role of any advisory committee or other mechanism designed to gather the input of employees relating to the creation and implementation of the system;

(9) an assessment of the impact of the performance-based compensation system on women, minorities, persons with disabilities, and veterans; and

(10) an assessment of the consistency of the plan described in subsection (a) for such element with the plans of the Director of National Intelligence for a performance-based compensation system for the intelligence community.

SEC. 309. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than March 31, 2008, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

Subtitle B—Acquisition Matters

SEC. 311. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 306 of this Act, is further amended by inserting after section 506B, as added by section 306(a), the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its significant items of supply that is proposed for inclusion in the National Intelligence Program prior to completion of Milestone B or an equivalent acquisition decision. The initial vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach to—

''(1) identify vulnerabilities;

''(2) define exploitation potential;

''(3) examine the system's potential effectiveness;

''(4) determine overall vulnerability; and

''(5) make recommendations for risk reduction.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its significant items of supply within the National Intelligence Program—

''(A) periodically throughout the life span of the major system;

''(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

''(C) upon the request of a congressional intelligence committee.

''(2) Any subsequent vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

''(e) DEFINITIONS.—In this section:

''(1) The term 'items of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

''(B) does not include packaging or labeling associated with shipment or identification of items.

''(2) The term 'major system' has the meaning given that term in section 506A(e).

''(3) The term 'Milestone B' means a decision to enter into system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(4) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 306 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 306(b), the following:

''Sec. 506C. Vulnerability assessments of major systems.''.

SEC. 312. BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION FOR THE INTELLIGENCE COMMUNITY.

(a) BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 306 and 311 of this Act, is further amended by inserting after section 506C, as added by section 311(a), the following new section:

''INTELLIGENCE COMMUNITY BUSINESS SYSTEMS, ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

''SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) After April 1, 2008, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system modernization described in paragraph (2) unless—

''(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization; and

''(B) the certification is approved by the Intelligence Community Business Systems Management Committee established under subsection (f).

''(2) An intelligence community business system modernization described in this paragraph is an intelligence community business system modernization that—

''(A) will have a total cost in excess of $1,000,000; and

''(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

''(3) The certification described in this paragraph for an intelligence community business system modernization is a certification, made by the approval authority designated by the Director under subsection (c)(2) to the Intelligence Community Business Systems Management Committee, that the intelligence community business system modernization—

''(A) complies with the enterprise architecture under subsection (b); or

''(B) is necessary—

''(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

''(4) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

''(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the Intelligence Community Business Systems Management Committee established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

''(2) The enterprise architecture under paragraph (1) shall include the following:

''(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

''(i) comply with all Federal accounting, financial management, and reporting requirements;

''(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

''(iii) integrate budget, accounting, and program information and systems; and

''(iv) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

''(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) The Director of National Intelligence shall be responsible for review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of an intelligence community business system modernization if more than 50 percent of the cost of the intelligence community business system modernization is funded by amounts appropriated for the National Intelligence Program.

''(2) The Director shall designate 1 or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system modernizations under subsection (a)(3).

''(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than March 31, 2008, an investment review process for the review of the planning, design, acquisition, development, deployment, operation, maintenance, modernization, project cost, benefits, and risks of the intelligence community business systems for which the approval authority is responsible.

''(2) The investment review process under paragraph (1) shall—

''(A) meet the requirements of section 11312 of title 40, United States Code; and

''(B) specifically set forth the responsibilities of the approval authority under such review process.

''(3) The investment review process under paragraph (1) shall include the following elements:

''(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

''(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

''(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

''(D) Procedures for making certifications in accordance with the requirements of subsection (a)(3).

''(E) Mechanisms to ensure the consistency of the investment review process with applicable guidance issued by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f).

''(F) Common decision criteria, including standards, requirements, and priorities, for purposes of ensuring the integration of intelligence community business systems.

''(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2009, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

''(1) An identification of each intelligence community business system for which funding is proposed in such budget.

''(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

''(A) funds for current services to operate and maintain such system; and

''(B) funds for business systems modernization identified for each specific appropriation.

''(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

''(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

''(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS MANAGEMENT COMMITTEE.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee (in this subsection referred to as the 'Committee').

''(2) The Committee shall—

''(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

''(B) review and approve any major update of—

''(i) the enterprise architecture developed under subsection (b); and

''(ii) any plans for an intelligence community business systems modernization;

''(C) manage cross-domain integration consistent with such enterprise architecture;

''(D) be responsible for coordinating initiatives for intelligence community business system modernization to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

''(E) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

''(F) carry out such other duties as the Director shall specify.

''(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

''(h) RELATION TO DEFENSE BUSINESS SYSTEMS ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION REQUIREMENTS.—An intelligence community business system that receives more than 50 percent of its funds from amounts available for the National Intelligence Program shall be exempt from the requirements of section 2222 of title 10, United States Code.

''(i) RELATION TO CLINGER-COHEN ACT.—(1) The Director of National Intelligence and the Chief Information Officer of the Intelligence Community shall fulfill the executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system that receives more than 50 percent of its funding from amounts appropriated for the National Intelligence Program.

''(2) Any intelligence community business system covered by paragraph (1) shall be exempt from the requirements of such chapter 113 that would otherwise apply to the executive agency that contains the element of the intelligence community involved.

''(j) REPORTS.—Not later than March 15 of each of the years 2009 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

''(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the intelligence community business system modernizations submitted for certification under such subsection;

''(2) identify the number of intelligence community business system modernizations that received a certification described in subsection (a)(3)(B); and

''(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems modernization efforts.

''(k) DEFINITIONS.—In this section:

''(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

''(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

''(3) The term 'intelligence community business system' means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, and the business infrastructure capabilities shared by the systems of the business enterprise architecture that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(4) The term 'intelligence community business system modernization' means—

''(A) the acquisition or development of a new intelligence community business system; or

''(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

''(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 306 and 311 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 311(b), the following new item:

''Sec. 506D. Intelligence community business systems, architecture, accountability, and modernization.''.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a vice chairman and personnel to serve on the Intelligence Community Business System Management Committee established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—

(A) SCHEDULE FOR DEVELOPMENT.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) by not later than September 1, 2008.

(B) REQUIREMENT FOR IMPLEMENTATION PLAN.—In developing such enterprise architecture, the Director shall develop an implementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) SUBMISSION OF ACQUISITION STRATEGY.—The Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than March 1, 2008.

SEC. 313. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 306, 311, and 312 of this Act, is further amended by inserting after section 506D, as added by section 312(a)(1), the following new section:

''REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

''SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

''(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

''(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

''(1) The current total acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the calendar quarter immediately proceeding the submittal of the report under this section.

''(2) The current development schedule for the system, including an estimate of annual development costs until development is completed.

''(3) The planned procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

''(4) A full life-cycle cost analysis for such system.

''(5) The result of any significant test and evaluation of such major system as of the date of the submittal of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

''(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section, if applicable.

''(7) The major contracts or subcontracts related to the major system.

''(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

''(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(3) The term 'major contract,' with respect to a major system acquisition, means each of the 6 largest prime, associate, or government-furnished equipment contracts under the program that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(4) The term 'major system' has the meaning given that term in section 506A(e).

''(5) The term 'significant test and evaluation' means the functional or environmental testing of a major system or of the subsystems that combine to create a major system.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 306, 311, and 312 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 312(a)(2), the following new item:

''Sec. 506E. Reports on the acquisition of major systems.''.

SEC. 314. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947, as amended by sections 306, 311, 312, and 313 of this Act, is further amended by inserting after section 506E, as added by section 313(a), the following new section:

''EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

''SEC. 506F. (a) COST INCREASES OF AT LEAST 25 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2)(A) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 25 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

''(B) The notification required by subparagraph (A) shall include—

''(i) an updated cost estimate;

''(ii) the date on which the determination covered by such notification was made;

''(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

''(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

''(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

''(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

''(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such

major system, stated both in constant dollars and current year dollars;

''(viii) the completion status of such major system expressed as the percentage—

''(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

''(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

''(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

''(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

''(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

''(i) the acquisition of such major system is essential to the national security;

''(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

''(b) COST INCREASES OF AT LEAST 50 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 50 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 50 percent as compared to the baseline cost of such major system, the Director shall submit to the congressional intelligence committees a written certification stating that—

''(A) the acquisition of such major system is essential to the national security;

''(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

''(3) In addition to the certification required by paragraph (2), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

''(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

''(2) If a written certification required under subsection (b)(2) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (b)(2), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(3).

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

''(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system that is approved by the Director of National Intelligence at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system. The baseline cost may be in the form of an independent cost estimate.

''(3) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

''(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(5) The term 'major system' has the meaning given that term in section 506A(e).

''(6) The term 'Milestone B' means a decision to enter into system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(7) The term 'program manager', with respect to a major system, means—

''(A) the head of the element of the intelligence community which is responsible for the budget, cost, schedule, and performance of the major system; or

''(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 304, 311, 312, and 313 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 313(b), the following new item:

''Sec. 506F. Excessive cost growth of major systems.''.

Subtitle C—Other Matters

SEC. 321. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 322. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 323. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 324. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 325. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 326. REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148; 119 Stat. 2739) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2600).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) the legal justifications of any office of the Department of Justice about the meaning or application of the Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) CONGRESSIONAL ARMED SERVICES COMMITTEE DEFINED.—In this section, the term ''congressional armed services committees'' means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

SEC. 327. LIMITATION ON INTERROGATION TECHNIQUES.

(a) LIMITATION.—No individual in the custody or under the effective control of an element of the intelligence community or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

(b) INSTRUMENTALITY DEFINED.—In this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 328. LIMITATION ON USE OF FUNDS.

Not more than 30 percent of the funds authorized to be appropriated for the Expenditure Center referred to on page 157 of Volume VI, Book 1 of the Fiscal Year 2008 - Fiscal Year 2009 Congressional Budget Justification, National Intelligence Program, may be obligated or expended until each member of the congressional intelligence committees has been fully and currently informed with respect to intelligence regarding a facility in Syria subject to reported military action by the State of Israel on September 6, 2007, including intelligence relating to any agent or citizen of North Korea, Iran, or any other foreign country present at the facility, and any intelligence provided to the Federal Government by a foreign country regarding the facility (as available).

SEC. 329. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 330. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—

(1) REPEAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

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

(2) by striking paragraph (2).

(d) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(e) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(f) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2), by striking subparagraph (D).

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

Section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking ''and'' at the end; and

(C) by inserting after paragraph (4) the following:

''(5) assist the Director in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community and to be executed by elements of the intelligence community by—

''(A) systematically identifying, assessing, and prioritizing the most significant intelligence challenges that require technical solutions; and

''(B) examining options to enhance the responsiveness of research programs;

''(6) submit to Congress an annual report on the science and technology strategy of the Director; and''; and

(2) in paragraph (3) of subsection (d)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(B) in subparagraph (B), as so redesignated, by inserting ''and prioritize'' after ''coordinate''; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community;''.

SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 405. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later then February 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 406. COMPREHENSIVE LISTING OF SPECIAL ACCESS PROGRAMS.

Not later than February 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a classified comprehensive listing of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))). Such listing may be submitted in a form or forms consistent with the protection of national security.

SEC. 407. REPORTS ON THE NUCLEAR PROGRAMS OF IRAN AND NORTH KOREA.

(a) REQUIREMENT FOR REPORTS.—Not less frequently than once during fiscal year 2008 and

twice during fiscal year 2009, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the intentions and capabilities of the Islamic Republic of Iran and the Democratic People's Republic of Korea, with regard to the nuclear programs of each such country.

(b) CONTENT.—Each report submitted by subsection (a) shall include, with respect of the Islamic Republic of Iran and the Democratic People's Republic of Korea—

(1) an assessment of nuclear weapons programs of each such country;

(2) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence used to prepare the assessment described in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each such source;

(3) a summary of any intelligence related to any such program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each such country; and

(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment described in paragraph (1).

(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran and the Democratic People's Republic of Korea in lieu of a report required by subsection (a).

(d) FORM.—Each report submitted under subsection (a) may be submitted in classified form.

SEC. 408. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''2004,'' and inserting ''2004 (50 U.S.C. 403 note),''; and

(B) by striking the period at the end and inserting a semicolon and ''and''; and

(3) by inserting after paragraph (3), the following new paragraph:

''(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.''.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).

''(C) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SEC. 409. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ''or the Chief Information Officer of the Intelligence Community''.

SEC. 410. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES FOR INTERAGENCY FUNDING.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

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

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

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

''(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643)), expend funds and make funds available to other departments or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

(c) REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Not later than February 1 of each of the fiscal years 2009 through 2012, the Director of National Intelligence shall submit to the congressional intelligence committees a report detailing the distribution of funds and systems during the preceding fiscal year pursuant to subparagraph (G) or (H) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as added by subsection (a).

(2) CONTENT.—Each such report shall include—

(A) a listing of the agencies or departments to which such funds or systems were distributed;

(B) a description of the purpose for which such funds or systems were distributed; and

(C) a description of the expenditure of such funds, and the development, fielding, and use of such systems by the receiving agency or department.

SEC. 411. AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR INTERAGENCY FUNDING.

(a) IN GENERAL.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by sections 303 and 304 of this Act, is further amended by adding at the end the following new subsection:

''(u) AUTHORITIES FOR INTERAGENCY FUNDING.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

''(A) National intelligence centers established by the Director under section 119B.

''(B) Boards, commissions, councils, committees, and similar groups that are established—

''(i) for a term of not more than 2 years; and

''(ii) by the Director.

''(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

(b) REPORTS.—Not later than February 1 of each of the fiscal years 2009 through 2012, the Director of National Intelligence shall submit to the congressional intelligence committees a report detailing the exercise of any authority pursuant to subsection (u) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by subsection (a), during the preceding fiscal year.

SEC. 412. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 413. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

''(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within an agency or department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the agency or department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than 1 of its members.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing

statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of 1 of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 414. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by title III of this Act, is further amended by adding at the end the following new section:

''REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

''SEC. 508. Not later than February 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the proficiency in foreign languages and, if appropriate, in foreign dialects of each element of the intelligence community, including—

''(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

''(2) an estimate of the number of such positions that each element will require during the 5-year period beginning on the date of the submission of the report;

''(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

''(A) military personnel; and

''(B) civilian personnel;

''(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

''(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

''(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

''(7) a description of such element's efforts to recruit, hire, train, and retain personnel that are proficient in a foreign language;

''(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

''(9) for each foreign language and, where appropriate, dialect of a foreign language—

''(A) the number of positions of such element that require proficiency in the foreign language or dialect;

''(B) the number of personnel of such element that are serving in a position that—

''(i) requires proficiency in the foreign language or dialect to perform the primary duty of the position; and

''(ii) does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(C) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

''(D) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

''(E) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(F) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

''(G) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

''(H) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

''(I) the percentage of work requiring linguistic skills that is fulfilled by contractors;

''(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole; and

''(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant.''.

(2) REPORT DATE.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)), as amended by section 328(f) of this Act, is further amended by adding at the end the following new subparagraph:

''(M) The annual report on foreign language proficiency in the intelligence community required by section 508.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Report on foreign language proficiency in the intelligence community.''.

SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) OTHER CONTENT.—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

SEC. 416. SPACE INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) as amended by sections 303, 304, and 411 of this Act, is further amended by adding at the end the following new subsection:

''(v) CONSIDERATION OF SPACE INTELLIGENCE.—

''(1) IN GENERAL.—The Director of National Intelligence shall require that space-intelligence related issues and concerns are fully considered in carrying out the authorities of the intelligence community under this Act and under other provisions of law, including in carrying out—

''(A) the responsibilities and authorities described under subsections (f), (h), and (q); and

''(B) the creation of policy, and in the recruitment, hiring, training, and retention of personnel.

''(2) ADDITIONAL CONSIDERATIONS.—The Director of National Intelligence shall ensure that agencies give due consideration to the vulnerability assessment prepared for a given major system, as required in section 506C of this Act, at all stages of architecture and system planning, development, acquisition, operation, and support of a space-intelligence system.''.

SEC. 417. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community designated in accordance with this title, and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall

be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication, or disclosure in connection therewith, in any instance in which—

''(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

''(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and maintained in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

''(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

''(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be substantially similar in nature to the originating operational files from which the record was disseminated or provided, as such files are defined in this title.

''(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall remain subject to search and review under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section by the originating agency to the extent that such section permits.

''(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

''(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject that record or the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency or the Defense Intelligence Agency to the search and review provisions of section 552 of title 5, United States Code.

''(b) OTHER RECORDS.—(1) Files in the Office of the Director of National Intelligence that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review under section 552 of title 5, United States Code.

''(2) The inclusion of information from exempted operational files in files of the Office of the Director of National Intelligence that are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

''(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.

''(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(f) APPLICABILITY.—The Director of National Intelligence will publish a regulation listing the specific elements within the Office of the Director of National Intelligence whose records can be exempted from search and review under this section.

''(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office of the Director of National Intelligence has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office of the Director of National Intelligence, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office of the Director of National Intelligence shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently meet the criteria set forth in subsection (a).

''(ii) The court may not order the Office of the Director of National Intelligence to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(E) In proceedings under subparagraph (C) or (D), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(F) If the court finds under this subsection that the Office of the Director of National Intelligence has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

''(G) If at any time following the filing of a complaint pursuant to this paragraph the Office of the Director of National Intelligence agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Operational files in the Office of the Director of National Intelligence.''.

SEC. 418. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

SEC. 419. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) maintained by the Office of the Director of National Intelligence; or''.

SEC. 420. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

Subtitle B—Central Intelligence Agency

SEC. 431. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b) is amended by—

(1) redesignating subsection (e) as subsection (g) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

''(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

''(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

''(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.''.

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking ''503(e)'' and inserting ''503(g)'';

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking ''503(e)'' and inserting ''503(g)''; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking ''503(e)'' and inserting ''503(g)''.

SEC. 432. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking ''the Director of the Central Intelligence Agency,''.

SEC. 433. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

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

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in, and in furtherance of, the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

(b) REQUIREMENT TO REPORT.—As soon as possible after the date of an exercise of authority under subparagraph (B) of section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)), as added by subsection (a)(3), and not later than 10 days after such date, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report describing such exercise of authority.

SEC. 434. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(2) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service'';

(3) in subclause (III), by striking ''Deputy Director for Intelligence'' and inserting ''Director of Intelligence'';

(4) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director of Support''; and

(5) in subclause (V), by striking ''Deputy Director for Science and Technology'' and inserting ''Director of Science and Technology''.

SEC. 435. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

Subtitle C—Defense Intelligence Components

SEC. 441. ENHANCEMENT OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

Subsection (e) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 442. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 21. (a) The Director of the National Security Agency is authorized to designate personnel of the National Security Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in, and in furtherance of, the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.

''(d) As soon as possible after the date of an exercise of authority under this section and not later than 10 days after such date, the Director shall submit to the congressional intelligence committees a report describing such exercise of authority.

''(e) In this section, the term 'congressional intelligence committees' means—

''(1) the Select Committee on Intelligence of the Senate; and

''(2) the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 443. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Humanities,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence,

may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than 7 days after the exercise of the authority.

''(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 444. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

SEC. 445. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

''(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 446. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 451. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2442) is amended by striking ''September 1, 2004'' and inserting ''December 31, 2008''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—

(A) IN GENERAL.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 116 Stat. 2438) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) TECHNICAL AMENDMENT.—Paragraph (1) of subsection (b) of such section 1002 is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2437).

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

SEC. 502. REPORT ON INTELLIGENCE ACTIVITIES.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report describing authorizations, if any, granted during the 10-year period ending on the date of the enactment of this Act to engage in intelligence activities related to the overthrow of a democratically elected government.

SEC. 503. AERIAL RECONNAISSANCE PLATFORMS.

Section 133(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2112) is amended—

(1) in paragraph (1)—

(A) by striking ''After fiscal year 2007'' and inserting ''For each fiscal year after fiscal year 2007''; and

(B) by inserting '', in that fiscal year,'' after ''Secretary of Defense''; and

(2) in paragraph (2)—

(A) by inserting ''in a fiscal year'' after ''Department of Defense''; and

(B) by inserting ''in that fiscal year'' after ''Congress''.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence'' in the following:

(1) Section 193(d)(2).

(2) Section 193(e).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 431(b)(1).

(8) Section 441(c).

(9) Section 441(d).

(10) Section 443(d).

(11) Section 2273(b)(1).

(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'' in the following:

(1) Section 441(c).

(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 512. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 513. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 514. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 515. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(B) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(C) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1071(e), by striking ''(1)''.

(3) In section 1072(b), in the subsection heading by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 517. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

SILVESTRE REYES,
ALCEE L. HASTINGS,
LEONARD L. BOSWELL,
BUD CRAMER,
ANNA G. ESHOO,
RUSH HOLT,
C.A. RUPPERSBERGER,
MIKE THOMPSON,
JANICE SCHAKOWSKY,
JAMES R. LANGEVIN,
PATRICK J. MURPHY.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

IKE SKELTON,
JOHN M. SPRATT, Jr.,
Managers on the Part of the House.

JOHN ROCKEFELLER,
DIANNE FEINSTEIN,
RON WYDEN,
EVAN BAYH,
BARBARA A. MIKULSKI,
RUSSELL D. FEINGOLD,
BILL NELSON,
SHELDON WHITEHOUSE,
CHUCK HAGEL,
OLYMPIA J. SNOWE,

As additional conferee:

CARL LEVIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2082), to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The classified nature of United States intelligence activities precludes disclosure of details of budgetary recommendations in this conference report. The managers have therefore prepared a classified supplement to this conference report that contains the classified annex to this conference report and the classified Schedule of Authorizations.

The managers agree that the congressionally directed actions described in the House bill, the Senate amendment, the respective committee reports, and classified annexes accompanying H.R. 2082 and S. 1538, should be undertaken to the extent that such congressionally directed actions are not amended, altered, substituted, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to the conference report on the bill H.R. 2082.

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Section 101. Authorization of appropriations

Section 101 of the conference report authorizes appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of a list of United States Government departments, agencies, and other elements. Section 101 is identical to Section 101 of the House bill, and similar to Section 101 of the Senate amendment.

Section 102. Classified schedule of authorizations

Section 102 provides that the details of the amounts authorized to be Section 101 for intelligence and intelligence-related activities for fiscal year 2008, and (subject to Section 103) the personnel ceilings authorized for fiscal year 2008, are contained in the classified Schedule of Authorizations. The Schedule of Authorizations will be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 102 is similar to Section 102 of the House bill. Section 102 of the Senate amendment had provided that personnel authorizations for the Intelligence Community would be in terms of personnel levels, expressed as full-time equivalent positions, rather than personnel ceilings, as in the House bill and

prior intelligence authorizations. The conferees followed the House in this regard, but established in Section 103 an authority during fiscal year 2008 for the management of the personnel authorized under Section 102 as full-time equivalents.

Section 103. Personnel ceiling adjustments

Section 103 provides procedures to enhance the flexibility of the Director of National Intelligence (''DNI'') to manage the personnel levels of the Intelligence Community.

Section 103(a) allows the DNI, with the approval of the Director of the Office of Management and Budget (''OMB''), to authorize employment of civilian personnel in excess of the number authorized under Section 102 by an amount not to exceed three percent of the total limit applicable to each Intelligence Community element. Before the DNI may authorize this increase, the DNI must determine that the action is necessary to the performance of important intelligence functions and notify the congressional intelligence committees. Section 103 of the Senate amendment had provided that this authority could extend to five percent. Section 103 of the House bill had set the additional amount at two percent. The conference agreement of three percent is part of a package of personnel flexibility mechanisms in Section 103.

Section 103(b) provides for a one-year transition in the description of the personnel authorization in the annual intelligence authorization, and the subsequent implementation of that authorization by the DNI, from ''personnel ceilings'' to ''personnel levels expressed as full-time equivalent positions.'' Although the DNI has not previously managed Intelligence Community personnel limits in terms of full-time equivalent positions, the conferees have determined that the DNI should use this practice in the future to plan and manage personnel levels within the Intelligence Community. The use of full-time equivalent positions will allow Intelligence Community elements to plan for and manage its workforce based on overall hours of work, rather than number of employees, as a truer measure of personnel levels. This approach is consistent with general governmental practice and will provide the DNI and Congress with a more accurate measurement of personnel levels. For example, it will enable Intelligence Community elements to count two half-time employees as holding the equivalent of one full-time position, rather than counting them as two employees against a ceiling.

To provide the DNI with time to address any difficulties arising from counting by full-time equivalent positions rather than personnel levels, the conferees agreed that Sections 102 and 103 would allow, but do not require, the DNI to manage personnel levels by full-time equivalent positions in fiscal year 2008. One aspect of this transition will be the consideration of the manner in which elements of the Intelligence Community account for (or presently fail to account for) a variety of part-time arrangements. These include, but are not limited to, the circumstances set forth in paragraph (2) of subsection 103(b): student or trainee programs; reemployment of annuitants in the National Intelligence Reserve Corps; joint duty rotational assignments; and other full-time or part-time positions.

During their consideration of the DNI's request for authority to manage personnel as full-time equivalents, the congressional intelligence committees have learned that practices within the Intelligence Community on the counting of personnel are inconsistent, and include not counting certain personnel at all against personnel ceilings. The discretionary authority that is granted to the DNI during fiscal year 2008 will permit the DNI to authorize Intelligence Community elements to continue (but not expand) for this one additional fiscal year their existing methods of counting, or not counting, part-time employees against personnel ceilings, while ensuring that by the beginning of fiscal year 2009 there is a uniform and accurate method of counting all Intelligence Community employees under a system of personnel levels expressed as full-time equivalents. To ensure that the transition is complete by the beginning of fiscal year 2009, paragraph (4) of Section 103(b) provides that the DNI shall express the personnel level for all civilian employees of the Intelligence Community as full-time equivalent positions in the congressional budget justifications for that fiscal year.

Section 103(c) establishes authority that will enable the DNI to reduce the number of Intelligence Community contractors by providing the flexibility to add a comparable number of government personnel to replace those contractor employees. Section 103(c) accomplishes this by permitting the DNI to authorize employment of additional personnel if the head of an element in the Intelligence Community determines that activities currently being performed by contractor employees should be performed by government employees, the DNI agrees with the determination, and the Director of OMB approves. The DNI may not authorize this for more than ten percent of the total number of personnel authorized for each element of the Intelligence Community under Section 102, except that within the Office of the DNI that limit shall be five percent. Section 103(c) is similar to Section 103(b) of the Senate amendment. The House bill did not have a similar provision. The percentage limits on the authority are part of the conferees' agreement.

Section 103(d) provides for notifications to the congressional intelligence committees of the exercise of authority under Sections 103(a) and 103(d).

Section 104. Intelligence Community Management Account

Section 104 authorizes the sum of $734,126,000 in fiscal year 2008 for the Intelligence Community Management Account of the Director of National Intelligence. The Intelligence Community Management Account is part of the Community Management Account. The section authorizes 952 full-time or full-time equivalent personnel for the Intelligence Community Management Account, who may be either permanent employees or individuals detailed from other elements of the United States Government. Section 104 also authorizes additional funds and personnel in the classified Schedule of Authorizations for the Community Management Account. Section 104 is similar to Section 104 of the Senate amendment and Section 104 of the House bill.

As in Section 104 of the Senate amendment, the DNI may use the authorities in Section 103 to adjust personnel levels in elements within the Intelligence Community Management Account, subject to the limitations in that section.

Section 104 also authorizes funds from the Intelligence Community Management Account for the National Drug Intelligence Center (''NDIC''). These funds may not be used for purposes of exercising police, subpoena, or law enforcement powers or internal security functions. This provision authorizing funds for NDIC was included in Section 104 of the House bill, but was not included in Section 104 of the Senate amendment.

Section 105. Specific authorization of funds within the National Intelligence Program for which fiscal year 2008 appropriations exceed amounts authorized

Section 105 authorizes, solely for the purposes of reprogramming under Section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)), those funds appropriated within the National Intelligence Program in fiscal year 2008 in excess of the amount specified for such activity in the classified Schedule of Authorizations (as described in greater detail in the Classified Annex) to accompany this conference report. Under this authority, funds appropriated for a specific purpose but not authorized for that purpose will still be available for use by the Intelligence Community but can be applied only to other intelligence activities within the National Intelligence Program under established reprogramming procedures.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations of $262,500,000 for the Central Intelligence Agency Retirement and Disability Fund. Section 201 of the House bill and Section 201 of the Senate amendment are identical.

Section 202. Technical modification to mandatory retirement provision of Central Intelligence Agency Retirement Act

Section 202 updates the Central Intelligence Agency Retirement Act to reflect the use of pay levels within the Senior Intelligence Service program, rather than pay grades, by the Central Intelligence Agency (''CIA''). Section 202 is identical to Section 202 of the Senate amendment, and substantially similar to Section 202 of the House bill.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SUBTITLE A—PERSONNEL MATTERS

Section 301. Increase in employee compensation and benefits authorized by law

Section 301 provides that funds authorized to be appropriated by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law. Section 301 is identical to Section 301 of the Senate amendment and the House bill.

Section 302. Enhanced flexibility in non-reimbursable details to elements of the Intelligence Community

Section 302 expands from one year to up to two years the length of time that United States Government personnel may be detailed to the Office of the Director of National Intelligence (''ODNI'') on a reimbursable or non-reimbursable basis under which the employee continues to be paid by the home agency. To utilize this authority, the joint agreement of the DNI and head of the detailing element is required. As explained by the DNI, this authority will provide flexibility for the ODNI to receive support from other elements of the Intelligence Community for community-wide activities where both the home agency and the ODNI would benefit from the detail.

Section 308 of the Senate amendment would have expanded the time available for reimbursable or non-reimbursable details to three years. Section 104 of the House bill allowed non-reimbursable details of less than one year. The conferees agreed to a two-year maximum for reimbursable or non-reimbursable details.

Section 303. Multi-level security clearances

Section 303 adds a provision to section 102A of the National Security Act of 1947 (50

U.S.C. 403–1), which generally sets forth the responsibilities and authorities of the Director of National Intelligence. The new provision states that the DNI shall be responsible for ensuring that the elements of the Intelligence Community adopt a multi-level clearance approach that allows for clearances consistent with the protection of national security that can be tailored to particular circumstances in order to enable the more effective and efficient use of persons proficient in foreign languages or with cultural, linguistic, or other subject matter expertise that is critical to national security.

Section 303 is based on Section 406 of the House bill. The Senate amendment did not have a comparable provision. Under the House provision, the DNI would have been required to establish a multi-level clearance system throughout the Intelligence Community. Pursuant to the conference amendment, the DNI shall, within six months of enactment, issue guidelines to the Intelligence Community to support and facilitate the implementation of a multi-level approach across the Intelligence Community.

Section 304. Pay authority for critical positions

Section 304 adds a new subsection to section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) to provide enhanced pay authority for critical positions in portions of the Intelligence Community where that authority does not now exist. It allows the DNI to authorize the head of a department or agency with an Intelligence Community element to fix a rate of compensation in excess of applicable limits with respect to a position that requires an extremely high level of expertise and is critical to accomplishing an important mission. A rate of pay higher than Executive Level II would require written approval of the DNI. A rate higher than Executive Level I would require written approval of the President in response to a DNI request. Section 304 is identical to the corresponding portion of Section 405 of the Senate amendment. The House bill did not have a comparable provision.

The section of the Senate bill that contained this pay authority also would have provided additional authority to enable the DNI to harmonize personnel rules in the Intelligence Community. It would have enabled the DNI, with the concurrence of a department or agency head, to convert competitive service positions and incumbents within an Intelligence Community element to excepted positions. It also would have granted authority to the DNI to authorize Intelligence Community elements—with concurrence of the concerned department or agency heads and in coordination with the Director of the Office of Personnel Management—to adopt compensation, performance, management, and scholarship authority that have been authorized for any other Intelligence Community element. The conferees recommend that these proposals be studied further during consideration of the fiscal year 2009 authorization.

Section 305. Delegation of authority for travel on common carriers for intelligence collection personnel

Section 116 of the National Security Act of 1947 (50 U.S.C. 404k) allows the DNI to authorize travel on any common carrier when it is consistent with Intelligence Community mission requirements or, more specifically, is required for cover purposes, operational needs, or other exceptional circumstances. As presently written, the DNI may only delegate this authority to the Principal Deputy DNI (''PDDNI'') or, with respect to CIA employees, to the Director of the CIA.

Section 305 provides that the DNI may delegate the authority in section 116 of the National Security Act of 1947 to the head of any element. This expansion is consistent with the view of the conferees that the DNI should be able to delegate authority throughout the Intelligence Community when such delegation serves the overall interests of the Intelligence Community.

Section 305 also provides that the head of an Intelligence Community element to which travel authority has been delegated is empowered to delegate it to senior officials of the element as specified in guidelines issued by the DNI. This allows for administrative flexibility consistent with the guidance of the DNI for the entire Intelligence Community. To facilitate oversight, the DNI shall submit the guidelines to the congressional intelligence committees. Section 305 is identical to Section 304 of the Senate amendment and substantially the same as Section 306 of the House bill.

Section 306. Annual personnel level assessments for the Intelligence Community

Section 306 requires the Director of National Intelligence, in consultation with the head of the element of the Intelligence Community concerned, to prepare an annual assessment of the personnel and contractor levels for each element of the Intelligence Community for the following fiscal year. Section 306 is a new mechanism to allow both the Executive branch and Congress to better oversee personnel growth in the Intelligence Community. Section 306 combines elements from Section 315 of the Senate amendment, and Sections 411 and 414 of the House bill.

The assessment required by Section 306 seeks information about budgeted personnel and contractor costs and levels, a comparison of this information to current fiscal year and historical five year data, and a written justification for the requested personnel and contractor levels. The assessment also requires the DNI to state that, based on current and projected funding, the element will have sufficient internal infrastructure and training resources to support the requested personnel and contractor levels, and sufficient funding to support the administrative and operational activities of the requested personnel levels. All of this information was required in Section 315 of the Senate amendment. Section 306 also requires that the assessment contain information about intelligence collectors and analysts employed or contracted by each element of the Intelligence Community, and contractors who are the subjects of an Inspector General investigation, information that was requested in Sections 414 and 411, respectively, of the House bill. The assessment must be submitted to congressional intelligence committees with the submission of the President's budget request.

The conferees believe that the personnel level assessment required by Section 306 will provide information necessary for the Executive branch and Congress to understand the consequences of modifying the Intelligence Community's personnel levels. Section 306 therefore recognizes that, although the conferees supported personnel growth in the post-September 11, 2001 period, personnel growth must be better planned in the future to accomplish the goals of strengthening intelligence collection, analysis, and dissemination. In addition, the Administration must adequately fund its personnel growth plan, and structure its resources, to ensure that personnel growth is not done at the expense of other programs.

With regard to historical contractor levels to be included in the annual assessments, the DNI has expressed concern that there was no completed effort, prior to the ODNI's contractor inventory initiated in June 2006, to comprehensively capture information on the number and costs of contractors throughout the Intelligence Community. Although the Intelligence Community has not adequately focused on this issue in past years, the conferees believe it is important to require the DNI to attempt to assess historical contractor levels. Because of the concerns outlined by the DNI, however, conferees understand that information about contractor levels prior to June 2006 may need to be reported as a best estimate.

The conferees are also concerned about the Intelligence Community's increasing reliance on contractors to meet mission requirements. The Intelligence Community employs a significant number of ''core'' contractors who provide direct support to Intelligence Community mission areas and are generally indistinguishable from the United States Government personnel whose mission they support. Because of the cost disparity between employing a United States civilian employee, estimated to cost an average of $126,500 annually, and a core contractor, estimated to cost an average of $250,000 annually, the conferees believe that the Intelligence Community should strive to reduce its dependence on contractors. The personnel assessment required in Section 306 should assist the DNI and the congressional intelligence committees in determining the appropriate balance of contractors and permanent government employees.

Section 307. Comprehensive report on Intelligence Community contractors

Section 307 requires the DNI to provide a one-time report by March 31, 2008, describing the personal services activities performed by contractors across the Intelligence Community, the impact of contractors on the Intelligence Community, and the accountability mechanisms that govern contractors.

Intelligence Community leaders continue to lack an adequate factual and policy basis for controlling the size and use of its large contractor workforce. Among other things, the Intelligence Community lacks a clear definition of the functions that may be appropriately performed by contractors and, as a result, whether contractors are performing functions that should be performed by government employees. Generally, the conferees are concerned that the Intelligence Community does not have procedures for overseeing contractors and ensuring the identification of criminal violations or the prevention and redress of financial waste, fraud, or other abuses by contractors. The report is intended to help both the Intelligence Community and the congressional intelligence committees identify the facts and chart solutions. The report should also address the DNI's plans for conversion of contractors into employees under the authority provided in Section 103 of this Act.

Section 307 is based on Section 411 of the House bill. Section 411 would have required an annual report on the oversight of Intelligence Community contractors, and three separate one-time reports on accountability mechanisms governing Intelligence Community contractors, the impact of contractors on the Intelligence Community workforce, and the use of contractors for intelligence activities. The Senate amendment had addressed reporting on contractors in Section 315 of the Senate amendment. The conferees consolidated these reporting requirements into the single report required by Section 307 and the annual assessment on consideration of the levels of the contractor workforce in Section 306.

Section 308. Report on proposed pay-for-performance Intelligence Community personnel management system

Section 308 prohibits the implementation of pay-for-performance compensation reform

within an element of the Intelligence Community until 45 days after the DNI submits to the Congress a detailed plan for the implementation of the compensation plan at the particular element of the Intelligence Community in question. The DNI voiced concern that Section 307 of the House bill would have prohibited the heads of the elements of the Intelligence Community from implementing tailored pay plans under other existing statutory authorities and would have hindered DNI efforts to establish a program within the Intelligence Community ''to provide common pay, performance evaluation and benefits throughout the Community.'' By agreeing that the requirements of Section 308 would be applicable on an element-by-element basis, the conferees sought to ensure that plans for elements that are ready to proceed are not delayed by the planning requirements for elements that are not ready to proceed. With regard to the objective of providing for common pay, performance evaluation, and benefits throughout the Intelligence Community, the conferees added as an item of each report how the implementation of pay-for-performance in the element is consistent with the DNI's overall plans for a performance-based compensation system.

The Senate amendment had no comparable provision.

Section 309. Report on plan to increase diversity within the Intelligence Community

Section 309 requires the DNI, in coordination with the heads of the elements of the Intelligence Community, to submit to the congressional intelligence committees a report on the plans of each element of the Intelligence Community, including the Office of the DNI (''ODNI''), to increase diversity within that element. The report shall include the specific implementation plans to increase diversity.

Section 308 of the House bill had required the DNI to submit a strategic plan to increase diversity within the Intelligence Community and had prohibited the expenditure of more than 80 percent of the amount appropriated to the Intelligence Community Management Fund until the report was delivered to Congress. The conferees altered the requirements of Section 308 of the House bill to recognize the information submitted to the congressional intelligence committees by the DNI following passage of the House bill, and to tailor the provision to obtain other information sought by the congressional intelligence committees. To ensure that the report is submitted in a timely fashion, Section 309 now requires the DNI to submit the report by no later than March 31, 2008.

The Senate amendment had no comparable provision.

SUBTITLE B—ACQUISITION MATTERS

Section 311. Vulnerability assessments of major systems

Section 311 adds a new oversight mechanism to the National Security Act of 1947 (50 U.S.C. 442 et seq.) that requires the DNI to conduct an initial vulnerability assessment and subsequent assessments of every major system and its significant items of supply in the National Intelligence Program (''NIP''). The intent of the provision is to provide Congress and the DNI with an accurate assessment of the unique vulnerabilities and risks associated with each National Intelligence Program major system to allow a determination of whether funding for a particular major system should be modified or discontinued. The vulnerability assessment process will also require the various elements of the Intelligence Community responsible for implementing major systems to give due consideration to the risks and vulnerabilities associated with such implementation.

Section 311 requires the DNI to conduct an initial vulnerability assessment on every major system proposed for the NIP prior to completion of Milestone B or an equivalent acquisition decision. The minimum requirements of the initial vulnerability assessment are fairly broad and intended to provide the DNI with significant flexibility in crafting an assessment tailored to the proposed major system. Thus, the DNI is required to use at a minimum, an analysis-based approach to identify vulnerabilities, define exploitation potential, examine the system's potential effectiveness, determine overall vulnerability, and make recommendations for risk reduction. The DNI is obviously free to adopt a more rigorous methodology for the conduct of initial vulnerability assessments.

Vulnerability assessment should continue through the life of a major system. Numerous factors and considerations can affect the viability of a given major system. For that reason, Section 311 provides the DNI with the flexibility to set a schedule of subsequent vulnerability assessments for each major system when the DNI submits the initial vulnerability assessment to the congressional intelligence committees. The time period between assessments should depend upon the unique circumstances of a particular major system. For example, a new major system that is implementing some experimental technology might require annual assessments while a more mature major system might not need such frequent reassessment. The DNI is also permitted to adjust a major system's assessment schedule when the DNI determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment. Section 311 also provides that a congressional intelligence committee may request the DNI to conduct a subsequent vulnerability assessment of a major system.

The minimum requirements for a subsequent vulnerability assessment are almost identical to those of an initial vulnerability assessment. There are only two additional requirements. First, if applicable to the given major system during its particular phase of development or production, the DNI must also use a testing-based approach to assess the system's vulnerabilities. Obviously, common sense needs to prevail here. For example, the testing approach is not intended to require the ''crash testing'' of a satellite system. Nor is it intended to require the DNI to test system hardware. However, the vulnerabilities of a satellite's significant items of supply might be exposed by a rigorous testing regime. Second, the subsequent vulnerability assessment is required to monitor the exploitation potential of the major system. Thus, a subsequent vulnerability assessment should monitor ongoing changes to vulnerabilities and understand the potential for exploitation. Since new vulnerabilities can become relevant and the characteristics of existing vulnerabilities can change, it is necessary to monitor both existing vulnerabilities and their characteristics, and to check for new vulnerabilities on a regular basis.

Section 311 requires the DNI to give due consideration to the vulnerability assessments prepared for the major systems within the NIP. It also requires that the vulnerability assessments be provided to the congressional intelligence committees within ten days of their completion. The conferees encourage the DNI to also share the results of these vulnerabilities assessments, as appropriate, with other congressional committees of jurisdiction.

Finally, the section contains definitions for the terms ''items of supply,'' ''major system,'' ''Milestone B,'' and ''vulnerability assessment.''

Section 311 is similar to Section 310 of the Senate amendment. The House bill had no similar provision.

Section 312. Business enterprise architecture and business system modernization for the Intelligence Community

Section 312 requires the DNI to create a business enterprise architecture that defines all Intelligence Community business systems, as well as the functions and activities supported by those business systems, in order to guide with sufficient detail the implementation of interoperable Intelligence Community business system solutions. The conferees expect the DNI will include Department of Defense representatives in the established forum as appropriate. The conferees agreed that the business enterprise architecture and transition plan are to be submitted to the congressional intelligence committees by September 1, 2008. The acquisition strategy, however, is to be submitted by March 1, 2008.

Section 312 will provide the congressional oversight committees the assurance that business systems that cost more than a million dollars and that receive more than 50 percent of their funding from the National Intelligence Program will be efficiently and effectively coordinated. It will also provide a list of all ''legacy systems'' that will be either terminated or transitioned into the new architecture. Further, this section will require the DNI to report to the Committee no less often than annually, for five years, on the progress being made in successfully implementing the new architecture.

Section 312 is similar to Section 312 of the Senate amendment. The House bill had no similar provision.

Section 313. Reports on acquisition of major systems

Section 313 amends Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) to require annual reports from the DNI for each major system acquisition by an element of the Intelligence Community.

These reports must include, among other items, information about the current total acquisition cost for such system, the development schedule for the system including an estimate of annual development costs until development is completed, the planned procurement schedule for the system, including the best estimate of the DNI of the annual costs and units to be procured until procurement is completed, a full life-cycle cost analysis for such system, and the result of any significant test and evaluation of such major system as of the date of the submittal of such report.

Section 313 includes definitions for ''acquisition cost,'' ''full life-cycle cost,'' ''major contract,'' ''major system,'' and ''significant test and evaluation.''

Section 313 is similar to Section 313 of the Senate amendment. The House bill had no similar provision.

Section 314. Excessive cost growth of major systems

Section 314 amends Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) to require that, in addition to the report required under Section 313, the program manager of a major system acquisition project shall determine on a continuing basis if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline of such major system. The program manager must inform the DNI of any such determination and the DNI must submit a written notification to the congressional intelligence committees if the DNI makes the same such determination.

Section 314 is intended to mirror the Nunn-McCurdy provision in Title 10 of the United

States Code that applies to major defense acquisition programs. The conferees envision that the determination will be done as needed by the program manager of the major system acquisition and should not wait until the time that the DNI's annual report is filed. In other words, the conferees expect the congressional intelligence committees to be advised on a regular basis by the DNI about the progress and associated costs of major system acquisitions within the Intelligence Community.

If the cost growth is 25 percent or more, the DNI must prepare a notification and submit, among other items, an updated cost estimate to the congressional intelligence committees, and a certification that the acquisition is essential to national security, there are no other alternatives that will provide equal or greater intelligence capability at equal or lesser cost to completion, the new estimates of the full life-cycle cost for such major system are reasonable, and the structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

If the program manager makes a determination that the acquisition cost has increased by 50 percent or more as compared to the baseline, and the DNI makes the same such determination, then the DNI must submit a written certification to certify the same four items as described above, as well as an updated notification and accompanying information. If the required certification, at either the 25 percent or 50 percent level, is not submitted to the congressional intelligence committees within 60 days of the DNI's determination of cost growth, Section 318 creates a mechanism in which funds cannot be obligated for a period of time. If Congress does not act during that period, then the acquisition may continue.

Section 314 is similar to Section 314 of the Senate amendment. The House bill had no similar provision.

SUBTITLE C—OTHER MATTERS

Section 321. Restriction on conduct of intelligence activities

Section 321 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution and the laws of the United States. Section 321 is identical to Sections 302 of the Senate amendment and the House bill.

Section 322. Clarification of definition of Intelligence Community under the National Security Act of 1947

Section 322 amends Section 3(4)(L) of the National Security Act of 1947 (50 U.S.C. 401a(4)(L)) to permit the designation as ''element of the intelligence community'' of elements of departments and agencies of the United States Government whether or not those departments and agencies are listed in Section 3(4). Section 322 is identical to Section 303 of the Senate amendment and the House bill.

Section 323. Modification of availability of funds for different intelligence activities

Section 323 conforms the text of Section 504(a)(3)(B) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)(B) (governing the funding of intelligence activities)) with the text of Section 102A(d)(5)(A)(ii) of that Act (50 U.S.C. 403–1(d)(5)(A)(ii)), as amended by Section 1011(a) of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108–458 (Dec. 17, 2004) (''Intelligence Reform Act'') (governing the transfer and reprogramming by the DNI of certain intelligence funding).

This amendment to the National Security Act replaces the ''unforeseen requirements'' standard in Section 504(a)(3)(B) with a more flexible standard to govern reprogrammings and transfers of funds authorized for a different intelligence or intelligence-related activity. Under the new standard, a reprogramming or transfer is authorized if, in addition to the other requirements of Section 504(a)(3), the new use of funds ''supports an emergent need, improves program effectiveness, or increases efficiency.'' This modification brings the standard for reprogrammings and transfers of intelligence funding into conformity with the standards applicable to reprogrammings and transfers under Section 102A of the National Security Act of 1947. The modification preserves congressional oversight of proposed reprogrammings and transfers while enhancing the Intelligence Community's ability to carry out missions and functions vital to national security. Section 323 is identical to Sections 305 of the Senate amendment and the House bill.

Section 324. Protection of certain national security information

Section 324 amends the National Security Act of 1947 in two respects. Section 324(a) amends Section 601 of the National Security Act of 1947 (50 U.S.C. 421) to increase the criminal penalties for individuals with authorized access to classified information who intentionally disclose any information identifying a covert agent, if those individuals know that the United States is taking affirmative measures to conceal the covert agent's intelligence relationship to the United States. Currently, the maximum sentence for disclosure by someone who has had ''authorized access to classified information that identifies a covert agent'' is ten years. Subsection (a)(1) increases that maximum sentence to 15 years. Currently, the maximum sentence for disclosure by someone who ''as a result of having authorized access to classified information, learns the identity of a covert agent and intentionally discloses any information identifying such covert agent'' is five years. Subsection (a)(2) increases that maximum sentence to ten years. Section 324(a) is identical to Section 306 of the Senate amendment. The House bill had no comparable provision.

Section 324(b) amends Section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) to provide that the annual report from the President on the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources, also include an assessment of the need for any modification for the purpose of improving legal protections for covert agents. Section 324(b) is identical to Section 309 of the House bill. The Senate amendment had no similar provision.

Section 325. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations

Current law (5 U.S.C. 7342) requires that certain federal ''employees''—a term that generally applies to all Intelligence Community officials and personnel and certain contractors, spouses, dependents, and others—file reports with their employing agency regarding receipt of gifts or decorations from foreign governments. Following compilation of these reports, the employing agency is required to file annually with the Secretary of State detailed information about the receipt of foreign gifts and decorations by its employees, including the source of the gift. The Secretary of State is required to publish a comprehensive list of the agency reports in the Federal Register.

With respect to Intelligence Community activities, public disclosure of gifts or decorations in the Federal Register has the potential to compromise intelligence sources (e.g., confirmation of an intelligence relationship with a foreign government) and could undermine national security. Recognizing this concern, the Director of Central Intelligence (''DCI'') was granted a limited exemption from reporting certain information about such foreign gifts or decorations where the publication of the information could adversely affect United States intelligence sources. Section 1079 of the Intelligence Reform Act extended a similar exemption to the DNI in addition to applying the existing exemption to the CIA Director.

Section 325 provides to the heads of each Intelligence Community element the same limited exemption from specified public reporting requirements that is currently authorized for the DNI and CIA Director. The national security concerns that prompt those exemptions apply equally to other Intelligence Community elements. Section 325 mandates that the information not provided to the Secretary of State be provided to the DNI to ensure continued independent oversight of the receipt by Intelligence Community personnel of foreign gifts or decorations. The conferees agreed to require the DNI to keep a record of such information. Section 325 is otherwise similar to Section 307 of the Senate amendment and Section 304 of the House bill.

Gifts received in the course of ordinary contact between senior officials of elements of the Intelligence Community and their foreign counterparts should not be excluded under the provisions of Section 325 unless there is a serious concern that such contacts and gifts would adversely affect United States intelligence sources or methods.

Section 326. Report on compliance with the Detainee Treatment Act of 2005 and the Military Commissions Act of 2006

Section 326 requires the DNI to submit a classified comprehensive report to the congressional intelligence committees on all measures taken by the ODNI and by any Intelligence Community element with relevant responsibilities on compliance with detention and interrogation provisions of the Detainee Treatment Act of 2005 and the Military Commissions Act of 2006. The report is to be submitted no later than 45 days after enactment of this Act.

The Detainee Treatment Act provides that no individual in the custody or under the physical control of the United States, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment. Congress reaffirmed this mandate in Section 6 of the Military Commissions Act, adding an implementation mechanism that requires the President to take action to ensure compliance including through administrative rules and procedures. Section 6 provides not only that grave breaches of Common Article 3 of the Geneva Conventions are war crimes under Title 18 of the United States Code, but also that the President has authority for the United States to promulgate higher standards and administrative regulations for violations of U.S. treaty obligations. It requires the President to issue those interpretations by Executive Order published in the Federal Register.

The report required by Section 326 is to include a description of the detention or interrogation methods that have been determined to comply with the prohibitions of the Detainee Treatment Act and the Military Commissions Act or have been discontinued pursuant to them.

The Detainee Treatment Act also provides for the protection against civil or criminal liability for United States Government personnel who had engaged in officially authorized interrogations that were determined to be lawful at the time. Section 326 requires the DNI to report on actions taken to implement that provision.

The report shall also include an appendix containing all guidelines on the application of the Detainee Treatment Act and the Military Commissions Act to the detention or interrogation activities, if any, of any Intelligence Community element. The appendix shall also include the legal justifications of any office of the Department of Justice about the meaning of the Acts with respect to detention or interrogation activities, if any, of any Intelligence Community element. The conferees struck the requirement from Section 309 of the Senate amendment that the appendix contain the legal justifications of ''any official of the Department of Justice'' to accommodate the concern that this provision might compel the production of internal deliberative legal materials. This provision therefore seeks only the legal justifications of any office of the Department of Justice that rendered an opinion on the matter.

To the extent that the report required by Section 326 addresses an element of the Intelligence Community within the Department of Defense, that portion of the report, and associated material that is necessary to make that portion understandable, shall also be submitted by the DNI to the congressional armed services committees.

Section 326 is similar to Section 309 of the Senate amendment. The House bill had no similar provision.

Section 327. Limitation on interrogation techniques

Section 327 prohibits the use of any interrogation treatment or technique not authorized by the United States Army Field Manual on Human Intelligence Collector Operations (''U.S. Army Field Manual'') against any individual in the custody or effective control of any element of the Intelligence Community. This limitation on interrogation conducted by Intelligence Community personnel is similar to the limitation on interrogation conducted by Department of Defense personnel in Section 1002(a) of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–0(a)).

Section 327 was adopted as an amendment at the conference after significant deliberation in the past year by both congressional intelligence committees of the legality and effectiveness of CIA's detention and interrogation program. The congressional intelligence committees have held numerous hearings on interrogation-related issues, have had many additional member and staff briefings, and have solicited input from a variety of outside experts on both interrogation and the effects of current U.S. interrogation policy. The inclusion of Section 327 reflects the conferees' considered judgment that the CIA's program is not the most effective method of obtaining the reliable intelligence we need to protect the United States from attack. Further, the conferees concluded that damage to international perception of the United States caused by the existence of classified interrogation procedures that apply only to CIA's program and are different from those used by the U.S. military outweighs the intelligence benefits that may result from the interrogation of individuals using the interrogation techniques authorized in the CIA's program.

Section 327 therefore seeks to create one consistent interrogation policy across both the U.S. military and the Intelligence Community. Any individual in the custody or under the effective control of an element of the Intelligence Community may therefore be subject only to those interrogation techniques authorized for use by the U.S. military, that is, the interrogation techniques authorized by the U.S. Army Field Manual.

As the primary U.S. Government beneficiaries of the protections of the Geneva Conventions of 1949, the U.S. military should play an important role in ensuring that U.S. interrogation policy complies with those international protections. Other countries look to U.S. policy as a whole, not the policy of particular agencies, in assessing how Americans captured on the battlefield should be treated. Requiring the Intelligence Community to follow the U.S. Army Field Manual ensures that the United States adopts only those interrogation techniques that would not be seen as abuse if used against an American soldier.

As updated in September of 2006, the U.S. Army Field Manual (FM 2–22.3) provides a detailed and unclassified description of the interrogation process, along with a number of interrogation approaches that can be used to elicit information from detainees. The Army Field Manual leaves interrogators with significant flexibility to determine what approaches will work in particular situations or with particular detainees; it does not mandate that particular interrogation approach strategies be used in any given situation. The congressional intelligence committees have received testimony that the approaches in the U.S. Army Field Manual are effective at eliciting information from detainees and that they can be appropriately tailored to all detainees, including senior terrorist leaders. The procedures in the Army Field Manual have also been extensively reviewed to ensure compliance with both ''American constitutional standards related to concepts of dignity, civilization, humanity, decency, and fundamental fairness,'' as well as U.S. obligations under international law, including the four Geneva Conventions of 1949. See Army Field Manual at 5–21.

In addition to describing interrogation approaches, the U.S. Army Field Manual includes a number of specific prohibitions. In particular, it prohibits ''acts of violence or intimidation, including physical or mental torture, or exposure to inhumane treatment as a means of or aid to interrogation.'' It also explicitly prohibits forcing a detainee to be naked, perform sexual acts, or pose in a sexual manner; placing hoods or sacks over the head of a detainee; using duct tape over the eyes of a detainee; applying beatings, electric shock, burns, or other forms of physical pain; waterboarding; using military working dogs; inducing hypothermia or heat injury; conducting mock executions; and depriving the detainee of necessary food, water, or medical care. Requiring the Intelligence Community to comply with the U.S. Army Field Manual thus prohibits the Intelligence Community's use of these actions as interrogation techniques.

Section 328. Limitation on use of funds

Section 328 was added by an amendment at conference. It provides that not more than 30 percent of the funds authorized to be appropriated in a specific Expenditure Center referred to in a classified Executive Branch Congressional Budget Justification for fiscal year 2008—fiscal year 2009 may be obligated or expended until the full membership of the congressional intelligence committees are fully and currently informed about an important intelligence matter. The matter is a facility in Syria that was the subject of reported Israeli military action on September 6, 2007. The information on which the full membership of the committees should be briefed includes intelligence if any relating to any agent or citizen of North Korea, Iran, or any other foreign country present at the facility. It should also include any intelligence (as available) provided to the United States by a foreign country regarding the facility.

''To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters,'' Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) requires that the Director of National Intelligence and the heads of all entities of the United States Government involved in intelligence activities shall ''keep the congressional intelligence committees fully and currently informed of all intelligence activities.''

As explained in a Senate report at the time of the original enactment of this requirement in 1980, the limited caveat about sensitive sources and methods or matters applies to ''extremely rare circumstances'' when there is a decision not to communicate to the intelligence committees ''certain sensitive aspects of operations or collection programs.'' S. Rep. No. 96–730, at 6. The key phrase ''certain sensitive aspects'' indicates that the scope of any withholding of information should be limited to certain details rather than to bar information about entire activities.

Section 504 of the National Security Act of 1947 (50 U.S.C. 413(b)) provides for only limited circumstances for not providing information to the full membership of the intelligence committees but, instead, informing the Chairmen and Vice Chairman or Ranking Minority Member of those committees as well as the congressional leadership. That exception applies only when the President determines that ''it is essential to limit access to [a covert action] finding to meet extraordinary circumstances affecting vital interests of the United States.''

In agreeing to Section 328, the conferees concluded that it is essential that the full membership of the House and Senate intelligence committees be fully informed, in a manner consistent with the National Security Act, about intelligence that would indicate, among other matters, any presence at a Syrian facility of agents or citizens of states—particularly, North Korea and Iran—which have had nuclear or other weapons of mass destruction programs.

Section 329. Incorporation of reporting requirements

Section 329 incorporates into the Act by reference each requirement contained in the classified annex to this Act to submit a report to the congressional intelligence committees. Sections 105 of the Senate amendment and the House bill both also made reference to reporting requirements included in the joint explanatory statement to accompany the conference report. As no reporting requirements were included in the joint explanatory statement, this reference was eliminated.

Because the classified information in the annex cannot be included in the text of the bill, incorporating the reporting provisions of the classified annex is the only available mechanism to give these reporting requirements the force of law. The conferees therefore chose to include Section 329 to reflect the importance they ascribe to the reporting requirements in the classified annex.

Section 330. Repeal of certain reporting requirements

Section 330 eliminates five reporting requirements that were considered particularly burdensome to the Intelligence Community in cases where the usefulness of the report has diminished either because of changing events or because the information contained in those reports is duplicative of information already obtained through other avenues. Section 330 is similar to Section 316 of the Senate amendment. Section 316 had

proposed eliminating a total of seven reporting requirements. The conferees agreed to remove two of these reports from the list of reports to be eliminated after certain congressional committees expressed an interest in continuing to receive these two reports.

The House bill had no similar provision.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

SUBTITLE A—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Sec. 401. Clarification of limitation on co-location of the Office of the Director of National Intelligence

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)), as added by the Intelligence Reform Act, provides that commencing on October 1, 2008, the Office of the DNI may not be co-located with any other element of the Intelligence Community. Section 401 clarifies that this ban applies only to the co-location of the headquarters of the ODNI with the headquarters of any other Intelligence Community element. Accordingly, the ODNI may be colocated with non-headquarters units of Intelligence Community elements. Section 401 is identical to Section 406 of the Senate amendment and Section 401 of the House bill.

Section 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board

Section 402 substitutes the DNI, or the DNI's designee, as a member of the Transportation Security Oversight Board established under section 115(b)(1) of Title 49, United States Code, in place of the CIA Director or CIA Director's designee. The Transportation Security Oversight Board is responsible for, among other things, coordinating intelligence, security, and law enforcement activities affecting transportation and facilitating the sharing of intelligence, security, and law enforcement information affecting transportation among Federal agencies. Section 402 is identical to Section 416 of the Senate amendment and Section 402 of the House bill.

Section 403. Additional duties of the Director of Science and Technology

Section 403 clarifies the duties of the Director of Science and Technology (DST) and the Director of National Intelligence Science and Technology Committee (NISTC). The conferees expect the DST to systematically identify, assess and prioritize the most significant intelligence challenges that require technical solutions, set long-term science and technology goals, develop a strategy/roadmap to be shared with congressional intelligence committees that meets these goals, and prioritize and coordinate efforts across the Intelligence Community. As chair of the NISTC, the DST should leverage the expertise of members of the committee to accomplish these duties.

Research and development efforts, including basic, advanced, and applied research and development projects, benefit the Intelligence Community most when they are consistent with current or future national intelligence requirements. Once a project is prototyped and successfully demonstrated, the conferees expect the DST to lead the NISTC to ensure the successful transition of projects from research and development into operational systems.

To sustain and further Intelligence Community's research and development goals, it is imperative that the DNI recruit and retain the country's top science and technology leadership talent. This is especially important during this period marked by the restructuring of Intelligence Community research and development management. The conferees also note that science and technology are major factors driving change in today's world and believe that the Intelligence Community must return to preeminence in this area in order to fully protect our nation's security.

The conferees urge the DST to develop multi-year projections and assessments of Intelligence Community human resource needs to better ensure that appropriate steps are taken to recruit and retain a robust scientific and engineering workforce. The conferees also urge the Intelligence Community to enhance its support to scholarship programs, research grants, and cooperative work-study programs to achieve these human resources goals.

Section 403 is similar to Section 407 of the Senate amendment and Section 403 of the House bill.

Section 404. Leadership and location of certain offices and officials

Section 404 confirms in statute that various officers are within the ODNI. These are (1) the Chief Information Officer of the Intelligence Community (as renamed by Section 412); (2) the Inspector General of the Intelligence Community (as named under Section 413); (3) the Director of the National Counterterrorism Center; and (4) the Director of the National Counter Proliferation Center (NCPC). Section 404 also expressly provides in statute that the DNI shall appoint the Director of the NCPC. Section 119A of the National Security Act of 1947 (50 U.S.C. 404o–1), as added by the Intelligence Reform Act, had provided that the President could establish the NCPC. In doing so, the President delegated to the DNI the authority to name the Director. Section 404 ratifies that delegation. Section 404 is identical to Section 411 of the Senate amendment and Section 404 of the House bill.

Section 405. Plan to implement recommendations of the data center energy efficiency reports

Section 405 requires the DNI to develop a plan to implement across the Intelligence Community the recommendations of the Environmental Protection Agency report on improving data center energy efficiency. This planning requirement is intended to encourage the Intelligence Community to fulfill its responsibility to assess the use of environmental resources with regard to the power, space, and cooling challenges of Intelligence Community data centers. Section 405 is similar to Section 408 of the House bill. The Senate amendment did not have a comparable provision.

Section 406. Comprehensive listing of special access programs

Section 406 provides that the DNI shall submit to the congressional intelligence committees a classified comprehensive listing of special access programs under the National Intelligence Program. The listing need not describe the programs, but must provide a reference to them to enable the congressional intelligence committees to determine whether the Intelligence Community has fulfilled its obligation to keep the committees informed about intelligence activities. In response to a concern of the DNI that a single document would create security and counterintelligence concerns, the conferees agreed to include a provision that allows the DNI to submit the listing in a form or forms consistent with national security.

Section 406 is based on Section 409 of the House bill. The Senate amendment did not have a comparable provision.

Section 407. Reports on the nuclear programs of Iran and North Korea

Section 407 provides that not less than once during the remainder of this fiscal year and twice during fiscal year 2009, the DNI shall submit to the congressional intelligence committees a classified report on the nuclear intentions and capabilities of Iran and North Korea. A national intelligence estimate may count as one of those reports for each country. The conferees encourage the DNI to make these reports available to other congressional oversight committees of jurisdiction to the extent consistent with the protection of sources and methods.

Section 407 is based on Section 410 of the House bill. The Senate amendment did not contain a comparable provision. The House provision had required quarterly reports indefinitely. In response to concerns of the DNI, the conferees reduced the number of reports required, but otherwise concur that it is essential that the Intelligence Community place a high priority on reporting to Congress on nuclear developments in Iran and North Korea.

Section 408. Requirements for accountability reviews by the Director of National Intelligence

Section 408 provides that the DNI shall have authority to conduct accountability reviews of elements of the Intelligence Community and the personnel of those elements. The primary innovation of this provision is the authority to conduct accountability reviews concerning an entire element of the Intelligence Community in relation to significant failures or deficiencies.

This accountability process is separate and distinct from any accountability reviews conducted internally by elements of the Intelligence Community or their Inspectors General. Also, as stated explicitly in Section 408, the new authority does not limit the existing authority of the DNI with respect to supervision of the CIA. The DNI, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews.

The Senate bill, as reported by the Select Committee on Intelligence, arguably would have mandated the DNI to conduct an accountability review at the direction of a congressional intelligence committee. To avoid a construction that a committee of Congress on its own could require such a review over the objection of the DNI, a concern raised by the ODNI, a managers' amendment prior to Senate passage made clear that the DNI shall conduct a review if the DNI determines it is necessary, and the DNI may conduct an accountability review (but is not statutorily required to do so) if requested by one of the congressional intelligence committees.

Section 408 is identical to Section 401 of the Senate amendment. The House bill did not have a comparable provision.

Section 409. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods

Section 409 amends section 102A(i)(3) of the National Security Act of 1947 to modify the limitation on delegation by the DNI (which now extends only to the PDDNI) of the authority to protect intelligence sources and methods from unauthorized disclosure. It permits the DNI also to delegate the authority to the Chief Information Officer of the Intelligence Community.

Section 409 is based on Section 403 of the Senate amendment. The House bill did not have a comparable provision. The Senate bill, as originally reported, would have additionally permitted the delegation of this authority to any Deputy DNI or to the head of any Intelligence Community element. In a managers' amendment before passage in the Senate, the authority to delegate outside of the Office of the DNI was struck in accordance with the sequential report of the Committee on the Armed Services, S. Rep. No.

110–92, at 3. The conferees further limited the delegation authority to the Chief Information Officer, who is a presidentially-appointed, Senate-confirmed official whose responsibilities expressly involve information matters throughout the Intelligence Community.

Section 410. Authorities for intelligence information sharing

Section 410 amends section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) to provide the DNI with statutory authority to use NIP funds to quickly address deficiencies or needs that arise in intelligence information access or sharing capabilities. It authorizes the DNI to provide to an agency or component, and for that agency or component to accept and use, funds or systems (which could include services or equipment) related to the collection, processing, analysis, exploitation, and dissemination of intelligence information. It also grants the DNI authority to provide funds to non-NIP activities for the purpose of addressing critical gaps in intelligence information access or sharing capabilities. Without the authority, development and implementation of necessary capabilities could be delayed by an agency's lack of authority to accept or utilize systems funded from the NIP, inability to use or identify current-year funding, or concerns regarding the augmentation of appropriations.

Section 410 is based on Section 402 of the Senate amendment. The House did not have a comparable provision. To aid in oversight, the conferees have added a four-year reporting requirement from fiscal years 2009 through 2012. No later than February 1 of each of those years, the DNI shall submit to the congressional intelligence committees a report on the distribution of funds under the new section during the preceding fiscal year to facilitate implementation of information sharing.

Section 411. Authorities of the Director of National Intelligence for interagency funding

Section 411 provides the DNI with the ability to rapidly focus the Intelligence Community on an intelligence issue through a coordinated effort that uses all available resources. The premise of this authority is that the DNI's ability to coordinate the Intelligence Community response to an emerging threat should not depend on the budget cycle and should not be constrained by general limitations in appropriations law (e.g., 31 U.S.C. 1346) or other prohibitions on interagency financing of boards, commissions, councils, committees, or similar groups.

To provide this flexibility, this section grants the DNI the authority to approve interagency financing of national intelligence centers established under section 119B of the National Security Act of 1947 (50 U.S.C. 404o–2). It also authorizes interagency funding for boards, commissions, councils, committees, or similar groups established by the DNI for a period not to exceed two years. This would include funding for Intelligence Community mission managers. Under this section, the DNI could authorize the pooling of resources from various Intelligence Community agencies to finance national intelligence centers or other organizational groupings designed to address identified intelligence matters.

Section 411 is based on Section 404 of the Senate amendment. The House bill did not have a comparable provision. To aid in oversight of the implementation of the authority granted by this section, the conferees have added a four-year reporting requirement from fiscal years 2009 through 2012. No later than February 1 of each of those years the DNI shall submit to the congressional intelligence committees a report on the exercise of this authority to support interagency activities.

Section 412. Title of Chief Information Officer of the Intelligence Community

Section 412 expressly designates the position of Chief Information Officer as Chief Information Officer of the Intelligence Community. The modification to the CIO title is consistent with the position's overall responsibilities as outlined in section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g). Section 412 is identical to Section 408 of the Senate amendment. The House bill did not have a comparable provision.

Section 413. Inspector General of the Intelligence Community

Section 1078 of the Intelligence Reform Act authorized the DNI to establish an Office of Inspector General if the DNI determined that an Inspector General would be beneficial to improving the operations and effectiveness of the ODNI. It further provided that the DNI could grant to the Inspector General any of the duties, responsibilities, and authorities set forth in the Inspector General Act of 1978. The DNI has appointed an Inspector General and has granted certain authorities pursuant to DNI Instruction No. 2005–10 (Sept. 7, 2005).

A strong Inspector General is vital to achieving the goal, set forth in the Intelligence Reform Act, of improving the operations and effectiveness of the Intelligence Community. It is also vital to achieving the broader goal of identifying problems and deficiencies wherever they may be found in the Intelligence Community with respect to matters within the responsibility and authority of the DNI, especially the manner in which elements of the Intelligence Community interact with each other in providing access to information and undertaking joint or cooperative activities. By way of a new section 103H of the National Security Act of 1947, this section establishes an Inspector General of the Intelligence Community in order to provide to the DNI, and through reports to the Congress, the benefits of an Inspector General with full statutory authorities and the requisite independence.

The office is established within the ODNI. The Inspector General will keep both the DNI and the congressional intelligence committees fully and currently informed about problems and deficiencies in Intelligence Community programs and operations and the need for corrective actions. The Inspector General will be appointed by the President, with the advice and consent of the Senate, and will report directly to the DNI. To bolster the Inspector General's independence within the Intelligence Community, the Inspector General may be removed only by the President, who must communicate the reasons for the removal to the congressional intelligence committees.

The DNI may prohibit the Inspector General from conducting an investigation, inspection, or audit if the DNI determines that is necessary to protect vital national security interests. If the DNI exercises the authority to prohibit an investigation, the DNI must provide the reasons to the congressional intelligence committees within seven days. The Inspector General may provide a response to the committees.

The Inspector General will have direct and prompt access to the DNI and any Intelligence Community employee or employee of a contractor whose testimony is needed. The Inspector General will also have direct access to all records that relate to programs and activities for which the Inspector General has responsibility. Failure to cooperate will be grounds for appropriate administrative action.

The Inspector General will have subpoena authority. However, information within the possession of the United States government must be obtained through other procedures. Subject to the DNI's concurrence, the Inspector General may request information from any U.S. government department, agency, or element. They must provide the information to the Inspector General insofar as practicable and not in violation of law or regulation.

The Inspector General must submit semiannual reports to the DNI that include a description of significant problems relating to Intelligence Community programs and operations and to the relationships between Intelligence Community elements. The reports must include a description of Inspector General recommendations and a statement whether corrective action has been completed. The Inspector General shall provide any portion of the report involving a component of a department of the U.S. government simultaneously to the head of that department with submission of the report to the DNI. Within 30 days of receiving it from the Inspector General, the DNI must submit each semiannual report to Congress.

The Inspector General must immediately report to the DNI particularly serious or flagrant violations. Within seven days, the DNI must transmit those reports to the congressional intelligence committees together with any comments. In the event the Inspector General is unable to resolve differences with the DNI, the Inspector General is authorized to report a serious or flagrant violation directly to the congressional intelligence committees. Reports to the congressional intelligence committees are also required with respect to investigations concerning high-ranking Intelligence Community officials.

Intelligence Community employees or employees of contractors who intend to report to Congress an ''urgent concern''—such as a violation of law or Executive order, a false statement to Congress, or a willful withholding from Congress—may report such complaints and supporting information to the Inspector General. Following a review by the Inspector General to determine the credibility of the complaint or information, the Inspector General must transmit such complaint and information to the DNI. On receiving the complaints or information from the Inspector General (together with the Inspector General's credibility determination), the DNI must transmit the complaint or information to the congressional intelligence committees. If the Inspector General does not find a complaint or information to be credible, the reporting individual may submit the matter directly to the congressional intelligence committees by following appropriate security practices outlined by the DNI. Reprisals or threats of reprisal against reporting individuals constitute reportable ''urgent concerns.''

In providing this channel for whistleblower communications to Congress, Section 413 does not disturb, and the conferees intend to retain, the authoritative guidance for analogous provisions of the Intelligence Community Whistleblower Act of 1998, Pub. L. No. 105–272 (October 20, 1998) as set forth in the findings in paragraphs (1) through (6) of section 701(b) of that Act, the Senate committee report for the legislation, S. Rep. No. 105–185, at 25–27, and particularly the conference report, H.R. Rep. 105–780, at 33–34, which emphasized that a disclosure to the Inspector General ''is not the exclusive process by which an Intelligence Community employee may make a report to Congress.''

For matters within the jurisdiction of both the Inspector General of the Intelligence Community and an Inspector General for another Intelligence Community element, the Inspectors General shall expeditiously resolve who will undertake an investigation,

inspection, or audit. In resolving that question, under an extensive subsection entitled ''Coordination Among Inspectors General of Intelligence Community,'' the Inspectors General may request the assistance of the Intelligence Community Inspectors General Forum (a presently existing informal body whose existence is ratified by this section). In the event that the Inspectors General are still unable to resolve the question, they shall submit it for resolution to the DNI and the head of the department (or to the Director of the CIA in matters involving the CIA Inspector General, in accordance with a clarifying amendment of the conferees) in which an Inspector General with jurisdiction concurrent to that of the Inspector General of the Intelligence Community is located. This basic limitation addresses the concern raised by the DNI about the preservation of the authority of heads of departments and agencies over their respective departments.

Within Congress, mutuality of oversight is assured by the requirement that Inspector General reports concerning Intelligence Committee elements within departments are shared with committees that have jurisdiction over those departments.

Except for the provision clarifying that unresolved questions involving the CIA Inspector General will also be submitted to the Director of the CIA, rather than the head of a department, Section 413 is identical to Section 410 of the Senate amendment. The House bill did not have a similar provision.

Section 414. Annual report on foreign language proficiency in the Intelligence Community

Section 414 provides for an annual report by the DNI on the proficiency of each element of the Intelligence Community in foreign languages and, if appropriate, in foreign dialects. The section also requires the DNI to report on foreign language training. The Intelligence Community has an increasing need for fluency in difficult-to-master languages and for expertise in foreign cultures. The information required by the report will allow the congressional intelligence committees to better assess the Intelligence Community's ability to manage language resources. Section 414 is based on Sections 412 and 413 of the House bill, which have been merged by the conferees. The Senate amendment did not have a comparable provision.

Section 415. Director of National Intelligence report on retirement benefits for former employees of Air America

Section 415 provides for a report by the DNI on the advisability of providing federal retirement benefits to United States citizens who were employees of Air America or an associated company prior to 1977, during the time that the company was owned or controlled by the United States and operated by the CIA. Section 415 is identical to Section 425 of the Senate amendment and Section 415 of the House bill.

The conferees note that H.R. 1271 was introduced in the House in the 110th Congress, and H.R. 1276 and S. 651 were introduced in the House and Senate in the 109th Congress, to make service performed with Air America and certain other entities creditable for federal civil service retirement purpose. By including Section 415 in this authorization bill, the conferees take no position on the merits of that legislation.

Although the section invites the DNI to submit any recommendations on the ultimate question of providing benefits, the main purpose of the report is to provide Congress with the facts upon which Congress can make that determination. Accordingly, Section 415 outlines the factual elements required by the report. To aid in the preparation of the report, the section authorizes the assistance of the Comptroller General. Among the elements of the report should be: the relationship of Air America to the CIA, the missions it performed, and the casualties its employees suffered, as well as the retirement benefits that had been contracted for or promised to Air America employees and the retirement benefits Air America employees received.

On September 25, 2007, the CIA provided a three page letter to the congressional intelligence and appropriations committees in response to the Senate Select Committee on Intelligence Report 109–259 to S. 3237, requesting a report on ''the advisability of providing federal retirement benefits to United States citizens who were employees of Air America or an associated company prior to 1977, during the time that the company was owned or controlled by the United States and operated by the CIA.'' Although the letter describes the legal basis for denying federal retirement benefits to employees of Air America, it does not provide the factual background that would allow Congress to make an assessment of whether to provide employees of Air America with federal retirement benefits. The report requested in Section 415 therefore continues to be necessary for a comprehensive exploration of the underlying issues.

Section 416. Space Intelligence

Section 416 underscores the importance of the DNI's consideration of space intelligence issues by adding this responsibility to the DNI's statutory duties in Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1). Section 416 requires the DNI to consider space intelligence issues and concerns in setting intelligence priorities, conducting analysis, and acquiring major systems. The Section also requires the DNI to ensure that agencies give due consideration to the vulnerability assessments prepared for a given major system at all stages of architecture and system planning, development, acquisition, operation, and support of a space intelligence system.

Section 412 of the Senate amendment would have created a new National Space Intelligence Office within the ODNI to coordinate and provide policy direction for the management of space-related intelligence assets and the development of personnel in space-related fields. The National Space Intelligence Office would also have been responsible for prioritizing space-related collection activities and evaluating analytic assessments of threats to classified United States space intelligence systems. The DNI, however, expressed concern about the creation of a dedicated office in the ODNI for space intelligence. Section 416 addresses that concern by highlighting the importance of space intelligence, while still giving the DNI flexibility to organize the Intelligence Community to implement responsibilities for that intelligence.

The House bill had no similar provision.

Section 417. Operational files in the Office of the Director of National Intelligence

In the CIA Information Act, Pub. L. No. 98–477 (October 15, 1984) (50 U.S.C. 431), Congress authorized the Director of Central Intelligence to exempt operational files of the CIA from several requirements of the Freedom of Information Act (''FOIA''), particularly those requiring search and review in response to FOIA requests. In a series of amendments to Title VII of the National Security Act of 1947, Congress has extended the exemption to the operational files of the National Geospatial-Intelligence Agency (''NGA''), the National Security Agency (''NSA''), the National Reconnaissance Office (''NRO''), and the Defense Intelligence Agency (''DIA''). It has also provided that files of the Office of the National Counterintelligence Executive (''NCIX'') should be treated as operational files of the CIA (to the extent they meet the criteria for CIA operational files).

Section 417 adds a new section 706 to the National Security Act of 1947. Components of the ODNI, including the National Counterterrorism Center (''NCTC''), require access to information contained in CIA and other operational files. The purpose of section 706 is to make clear that operational files of any Intelligence Community component, for which an operational files exemption is applicable, retain their exemption from FOIA search, review, disclosure, or publication when they are provided to an element of the ODNI. They also retain their exemption when they are incorporated in any substantially similar files of the ODNI.

Section 706 provides several limitations. The exemption does not apply to information disseminated beyond the ODNI. Also, as Congress has provided in the operational files exemptions for the CIA and other Intelligence Community elements, section 706 provides that the exemption does not apply to requests by United States citizens or permanent residents for information about themselves (although other FOIA exemptions, such as appropriate classification, may continue to protect such files from public disclosure). The exemption would not apply to the subject matter of a congressional or Executive branch investigation into improprieties or violations of law.

Finally, Section 706 provides for a decennial review by the DNI to determine whether exemptions may be removed from any category of exempted files. This review shall include consideration of the historical value or other public interest in the subject matter of those categories and the potential for declassifying a significant part of the information contained in them. The conferees underscore the importance of this requirement, which applies to the other operational exemptions in Title VII. The conferees also expect the DNI to submit the results of such review to the congressional intelligence committees in a timely manner.

Section 417 is based on Section 412 of the Senate amendment. The House bill did not contain a comparable provision. The conferees added the requirement of substantiality in the similarity between ODNI files and those of the originating element in order to tighten the connection between the files that are exempt in the originating element and the files in the ODNI that would also be exempt.

Section 418. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence

Congress enacted the Federal Advisory Committee Act (FACA) (5 U.S.C. App.) to regulate the use of advisory committees throughout the Federal Government. FACA sets forth the responsibilities of the Executive branch with regard to such committees and outlines procedures and requirements for them. As originally enacted in 1972, FACA expressly exempted advisory committees utilized by the CIA and the Federal Reserve System. Section 418 amends FACA to extend this exemption to advisory committees established or used by the ODNI. Section 418 is identical to Section 415 of the Senate amendment. The House bill did not contain a comparable provision.

Section 419. Applicability of the Privacy Act to the Director of National Intelligence and Office of the Director of National Intelligence

The Privacy Act (5 U.S.C. 552a) has long contained a provision under which the Director of Central Intelligence and then (after enactment of the Intelligence Reform Act) the CIA Director could promulgate rules to exempt any system of records within the CIA from certain disclosure requirements under the Act. The exemption authority was designed to ensure that the CIA could provide safeguards for certain sensitive information in its records systems. In assuming the leadership of the Intelligence Community, the DNI similarly requires the ability to safeguard sensitive information in records systems within the ODNI. Accordingly, Section 419 extends to the DNI the authority to promulgate rules under which records systems of the ODNI may be exempted from certain Privacy Act disclosure requirements. It is identical to Section 417 of the Senate amendment. The House bill did not contain a comparable provision.

Section 420. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive

Section 420 amends the authorities and structure of the NCIX to eliminate certain independent administrative authorities that had been vested in the NCIX when that official was appointed by and reported to the President. Those authorities are unnecessary now that the NCIX is to be appointed by and is under the authority of the DNI. Section 420 is identical to Section 414 of the Senate amendment and Section 432 of the House bill.

SUBTITLE B—CENTRAL INTELLIGENCE AGENCY

Section 431. Review of covert action programs by Inspector General of the Central Intelligence Agency

Title V of the National Security Act of 1947, entitled ''Accountability for Intelligence Activities,'' sets forth the Act's basic requirements on Executive branch obligations to keep the congressional intelligence committees fully informed about intelligence activities. Section 503 of the National Security Act of 1947 (50 U.S.C. 413b) is specifically devoted to presidential findings and congressional notification of covert actions. Section 431 augments the oversight of covert actions by adding a new subsection to Section 503 that requires that the CIA Inspector General conduct an audit of each covert action at least every three years and submit to the congressional intelligence committees a report containing the audit results within 60 days of completing the audit. To a considerable extent, this requirement confirms in statute existing practice and assures its regularity.

The Director of National Intelligence has expressed concern that this audit requirement, and several other provisions on Intelligence Community reports, raise concerns with respect to the President's authority to control access to national security information. To allay any such concern regarding the covert action audit requirement, the conferees have amended Section 431 to state that the requirement is subject to the longstanding provisions of section 17(b)(3) and (4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)(3) and (4)) that empower the CIA Director to prohibit the CIA Inspector General from initiating, carrying out, or completing an audit if the Director determines that the prohibition is necessary to protect vital national security interests of the United States, provided that the Director report the reasons to the congressional intelligence committees.

Section 431 is based on Section 423 of the House bill. The Senate amendment did not contain a comparable provision.

Section 432. Inapplicability to the Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements

Section 432 is identical to Section 422 of the Senate amendment and Section 424 of the House bill. Section 432 relieves the CIA Director from the requirement in section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) to submit to the congressional intelligence committees an annual report describing the activities being taken to ensure that financial statements of the CIA can be audited in accordance with applicable law and the requirements of OMB. Although concern remains that the CIA has had minimal success in achieving unqualified opinions on its financial statements, the report required by Section 114A is unnecessary as CIA is now submitting audited financial statements. The requirements of Section 114A continue to apply to the Directors of NSA, DIA, and NGA.

Section 433. Additional functions and authorities for protective personnel of the Central Intelligence Agency

Section 433 amends section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) which authorizes protective functions by designated security personnel who serve on CIA protective details.

The section authorizes protective detail personnel, when engaged in, and in furtherance of, the performance of protective functions, to make arrests in two circumstances. Protective detail personnel may make arrests without a warrant for any offense against the United States—whether a felony, misdemeanor, or infraction—that is committed in their presence. They may also make arrests without a warrant if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony, but not other offenses, under the laws of the United States.

Guidelines approved by the CIA Director and the Attorney General will provide safeguards and procedures to ensure the proper exercise of this authority. Section 433 specifically does not grant any authority to serve civil process or to investigate crimes.

The authority provided by this section is consistent with those of other Federal elements with protective functions, such as the Secret Service (18 U.S.C. 3056(c)(1)(C)), the State Department Diplomatic Security Service (22 U.S.C. 2709(a)(5)), and the Capitol Police (2 U.S.C. 1966(c)). Arrest authority will contribute significantly to the ability of CIA protective detail personnel to fulfill their responsibility to protect officials against serious threats without being dependent on the ability of Federal, State, or local law enforcement officers to respond immediately. The grant of arrest authority is supplemental to all other authority CIA protective detail personnel have by virtue of their statutory responsibility to perform the protective functions set forth in the CIA Act of 1949.

Section 433 also authorizes the CIA Director on the request of the DNI to make CIA protective detail personnel available to the DNI and to other personnel within the ODNI.

The CIA Director shall submit to the congressional intelligence committees as soon as possible, but not later than 10 days after an arrest, a report describing each exercise of authority under this section.

Section 433 is based on Section 423 of the Senate amendment. The House bill did not include a comparable provision. The conferees added the explicit requirement that arrests be in furtherance of the performance of protective functions and the requirement for a report to the congressional intelligence committees about each exercise of arrest authority.

Section 434. Technical amendments relating to titles of certain CIA positions

Section 434 replaces out-of-date titles for CIA positions with the current titles of the successors of those positions in a provision in section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) on the obligation of the CIA Inspector General to notify the congressional intelligence committees about investigations, inspections, or audits concerning high-ranking CIA officials. Section 434 is similar to Section 424 of the Senate amendment and Section 516 of the House bill, except for a conference agreement to add additional titles that needed to be changed.

Section 435. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004

Section 435 changes the reference to the Director of Central Intelligence to the Director of National Intelligence to clarify that the establishment of the Office of Intelligence and Analysis within the Department of the Treasury (section 105 of the Intelligence Authorization Act for Fiscal Year 2004 (Pub. L. No. 108–177 (Dec. 13, 2003)), and its reorganization within the Office of Terrorism and Financial Intelligence (section 222 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Division H, Pub. L. No. 108–447 (Dec. 8, 2004)), do not affect the authorities and responsibilities of the DNI with respect to the Office of Intelligence and Analysis as an element of the Intelligence Community. Section 435 is identical to Section 442 of the Senate amendment and Section 431 of the House bill.

SUBTITLE C—DEFENSE INTELLIGENCE COMPONENTS

Section 441. Enhancement of National Security Agency training program

Section 441 permits the Director of the National Security Agency to protect intelligence sources and methods by deleting a requirement that NSA publicly identify to educational institutions students who are NSA employees or training program participants. Deletion of this disclosure requirement will enhance the ability of NSA to protect personnel and prospective personnel and to preserve the ability of training program participants to undertake future clandestine or other sensitive assignments for the Intelligence Community.

The conferees recognize that nondisclosure is appropriate when disclosure would threaten intelligence sources or methods, would endanger the life or safety of the student, or would limit the employee's or prospective employee's ability to perform intelligence activities in the future. Notwithstanding the deletion of the disclosure requirement, the conferees expect NSA to continue to prohibit participants in the training program from engaging in any intelligence functions at the institutions they attend under the program. See H.R. Rep. No. 99–690, Part I (July 17, 1986) (''NSA employees attending an institution under the program will have no intelligence function whatever to perform at the institution.'').

Section 441 is similar to Section 431(b) of the Senate amendment. The conferees did not include subsection (a) of Section 431 of the Senate amendment, which was a clarifying provision to allow the NSA to recoup the educational costs expended for the benefit of a student who fails to maintain satisfactory academic performance. The conferees believe that this matter and its application to other Intelligence Community scholarship programs should be given further study by the congressional intelligence committees. The House bill had no similar provision.

Section 442. Codification of authorities of National Security Agency protective personnel

Section 442 amends the National Security Agency Act of 1959 (50 U.S.C. 402 note) by adding a new Section 21 to clarify and enhance the authority of protective details for NSA.

The new section 21(a) would authorize the Director of NSA to designate NSA personnel to perform protective detail functions for the Director and other personnel of NSA who are designated from time to time by the Director as requiring protection. Section 11 of the NSA Act of 1959 presently provides that the Director of NSA may authorize agency personnel to perform certain security functions at NSA headquarters, at certain other facilities, and around the perimeter of those facilities. The new authority for protective details would enable the Director of the NSA to provide security when the Director or other designated personnel require security away from those facilities.

The new section 21(b) would provide that NSA personnel, when engaged in performing protective detail functions, and in furtherance of the performance of those functions, may exercise the same arrest authority that Section 433 of this Act provides for CIA protective detail personnel. The arrest authority for NSA protective detail personnel would be subject to guidelines approved by the Director of NSA and the Attorney General. The purpose and extent of that arrest authority, the limitations on it, and reporting expectations about it are described in the explanation for Section 433. That analysis and explanation applies equally to the arrest authority provided to NSA protective detail personnel by Section 21(b).

While this Act provides separately for authority for CIA and NSA protective details, the DNI should advise the congressional intelligence committees whether overall policies, procedures, and authority should be provided for protective services, when necessary, for other Intelligence Community elements or personnel (or their immediate families).

Section 442 is similar to Section 432 of the Senate amendment. The House bill had no comparable provision.

Section 443. Inspector general matters

The Inspector General Act of 1978 (Pub. L. No. 95–452 (Oct. 12, 1978)) established a government-wide system of Inspectors General, some appointed by the President with the advice and consent of the Senate and others ''administratively appointed'' by the heads of their respective Federal entities. These Inspector Generals were authorized to ''conduct and supervise audits and investigations relating to the programs and operations'' of the government and ''to promote economy, efficiency, and effectiveness in the administration of, and * * * to prevent and detect fraud and abuse in, such programs and operations.'' 5 U.S.C. App. 2. These Inspectors General also perform an important reporting function, ''keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of * * * programs and operations and the necessity for and progress of corrective action.'' Id. The investigative authorities exercised by Inspectors General, and their relative independence from the government operations they audit and investigate, provide an important mechanism to ensure that the operations of the government are conducted as efficiently and effectively as possible.

The Inspectors General of the CIA and Departments of Defense, Energy, Homeland Security, Justice, State, and Treasury are appointed by the President with the advice and consent of the Senate. These Inspectors General—authorized by either the Inspector General Act of 1978 or section 17 of the CIA Act of 1949—enjoy a degree of independence from all but the head of their respective departments or agencies. They also have explicit statutory authority to access information from their departments or agencies or other United States Government departments and agencies and may use subpoenas to access information (e.g., from an agency contractor) necessary to carry out their authorized functions.

The National Reconnaissance Office, the Defense Intelligence Agency, the National Security Agency and the National Geospatial-Intelligence Agency have established their own ''administrative'' Inspectors General. However, because they are not identified in section 8G of the Inspector General Act of 1978, they lack explicit statutory authorization to access information relevant to their audits or investigations, or to compel the production of information via subpoena. This lack of authority has impeded access to information, in particular information from contractors, that is necessary for them to perform their important oversight function. These Inspectors General also lack the indicia of independence necessary for the Government Accountability Office to recognize their annual financial statement audits as being in compliance with the Chief Financial Officers Act of 1990 (Pub. L. No. 101–576 (Nov. 15, 1990)). The lack of independence also prevents the Department of Defense Inspector General, and would prevent the Inspector General of the Intelligence Community, from relying on the results of NRO, DIA, NSA, or NGA Inspector General audits or investigations that must meet ''generally accepted government auditing standards.''

To provide an additional level of independence and to ensure prompt access to the information necessary for these Inspectors General to perform their audits and investigations, Section 443 amends Section 8G(a)(2) of the Inspector General Act of 1978 to include NRO, DIA, NSA, and NGA as ''designated federal entities.'' As so designated, the heads of these Intelligence Community elements will be required by statute administratively to appoint Inspectors General for these agencies.

Also, as designated Inspectors General under the Inspector General Act of 1978, these Inspectors General will be responsible to the heads of the NRO, DIA, NSA, and NGA. The removal or transfer of any of these Inspectors General by the head of their office or agency must be promptly reported to the congressional intelligence committees. These Inspectors General will also be able to exercise other investigative authorities, including those governing access to information and the issuance of subpoenas, utilized by other Inspectors General under the Inspector General Act of 1978.

To protect vital national security interests, Section 443 permits the Secretary of Defense, in consultation with the Director of National Intelligence, to prohibit the Inspectors General of the NRO, DIA, NSA, and NGA from initiating, carrying out, or completing any audit or investigation they are otherwise authorized to conduct. This authority is similar to the authority of the CIA Director under section 17 of the CIA Act of 1949 with respect to the Inspector General of the CIA and the authority of the Secretary of Defense under section 8 of the Inspector General Act of 1978 with respect to the Department of Defense Inspector General. It will provide the President, through the Secretary of Defense, in consultation with the DNI, a mechanism to protect extremely sensitive intelligence sources and methods or other vital national security interests. The Committee expects that this authority will be exercised rarely by the Secretary of Defense.

The Senate amendment had provided the authority to prohibit the Inspectors General from initiating, carrying out, or completing any audit or investigation to either the DNI or the Secretary of Defense. To address Administration concerns that authorizing the DNI to cut off an investigation that had been ordered by the head of an executive department would be inconsistent with the preservation of the authority of the heads of departments and agencies over their respective departments, the conferees changed this provision to limit the authority to the Secretary of Defense, in consultation with the DNI.

Section 443 is similar to Section 433 of the Senate amendment. The House bill had no similar provision.

Section 444. Confirmation of appointment of heads of certain components of the Intelligence Community

Under present law and practice, the directors of the NSA and NRO, each with a distinct and significant role in the national intelligence mission, are not confirmed by the Senate in relation to their leadership of these agencies. Presently, the President appoints the Director of NSA and the Secretary of Defense appoints the Director of the NRO. Neither of these appointments must be confirmed by the Senate, unless a military officer is promoted or transferred into the position. Under that circumstance, Senate confirmation of the promotion or assignment is the responsibility of the Committee on Armed Services. That committee's review, however, relates to the military promotion or assignment and not specifically to the assumption by the individual of the leadership of a critical element of the Intelligence Community.

Section 434 of the Senate amendment provided that the heads of NSA, NGA, and NRO would be nominated by the President and that the nominations would be confirmed by the Senate. Through advice and consent, the Senate can enable the Congress to fulfill more completely its responsibility for providing oversight to the intelligence activities of the United States Government.

To respond to the concerns of the DNI about the increase in the number of Senate-confirmed positions within the Intelligence Community, the conferees agreed that only the heads of the NSA and NRO, as the larger two of the three agencies, should be nominated by the President and confirmed by the Senate at this time. While all three agencies play a critical role in the national intelligence mission, the spending of NSA and NRO comprises a significant portion of the entire intelligence budget of the United States, and a substantial portion of the National Intelligence Program. The activities of NSA and NRO are also of particular concern to the congressional intelligence committees, because of the need for NSA's authorized collection to be consistent with the protection of the civil liberties and privacy interests of U.S. persons, and because of concerns about NRO's management of the significant budget resources and mission with which it is entrusted.

Section 444(b) provides that the amendments made by section 444 apply prospectively. Therefore, the Directors of NSA and NRO on the date of the enactment of this Act will not be affected by the amendments, which will apply initially to the appointment and confirmation of their successors. Section 444 does not alter the role of the Committee on Armed Services in reviewing and approving the promotion or assignment of military officers.

The House bill had no similar provision.

Section 445. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information

The National Imagery and Mapping Agency Act of 1996 (Pub. L. No. 104–201 (Sept. 23, 1996) (NIMA Act)) formally merged the imagery analysis and mapping efforts of the Department of Defense and the CIA. In the NIMA Act, Congress cited a need ''to provide a single agency focus for the growing number and diverse types of customers for imagery and geospatial information resources within the Government * * * to harness, leverage, and focus rapid technological developments to serve the imagery, imagery intelligence, and geospatial information customers.'' Section 1102(1) of the NIMA Act. Since then, there have been rapid developments in airborne and commercial imagery platforms, new imagery and geospatial phenomenology, full motion video, and geospatial analysis tools.

Section 921 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. No. 108–136 (Nov. 24, 2003)) changed the name of the National Imagery and Mapping Agency to the National Geospatial-Intelligence Agency. The name change was intended to introduce the term ''geospatial intelligence'' to better describe the unified activities of NGA related to the ''analysis and visual representation of characteristics of the earth and activity on its surface.'' *See* S. Rep. 108–46 (May 13, 2003) (accompanying The National Defense Authorization Act for Fiscal Year 2004, S. 1050, 108th Cong., 1st Sess.).

Though the NGA has made significant progress toward unifying the traditional imagery analysis and mapping missions of the CIA and Department of Defense, it has been slow to embrace other facets of ''geospatial intelligence,'' including the processing, storage, and dissemination of full motion video (''FMV'') and ground-based photography. Rather, the NGA's geospatial product repositories—containing predominantly overhead imagery and mapping products—continue to reflect its heritage. While the NGA is belatedly beginning to incorporate more airborne and commercial imagery, its data holdings and products are nearly devoid of FMV and ground-based photography.

The conferees believe that FMV and ground-based photography should be included, with available positional data, in NGA data repositories for retrieval on Department of Defense and Intelligence Community networks. Current mission planners and military personnel are well-served with traditional imagery products and maps, but FMV of the route to and from a facility or photographs of what a facility would look like to a foot soldier—rather than from an aircraft—would be of immense value to military personnel and intelligence officers. Ground-based photography is amply available from open sources, as well as other government sources such as military units, United States embassy personnel, defense attachés, special operations forces, foreign allies, and clandestine officers. These products should be better incorporated into NGA data holdings.

To address these concerns, Section 445 adds an additional national security mission to the responsibilities of the NGA. To fulfill this new mission, NGA would be required, as directed by the DNI, to develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the national system for geospatial intelligence.

Section 445 also makes clear that this new responsibility does not include the authority to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations. Although Section 445 does not give the NGA authority to set technical requirements for collection of handheld or clandestine photography, the conferees encourage the NGA to engage other elements of the Intelligence Community on these technical requirements to ensure that their output can be incorporated into the national system for geospatial-intelligence within the security handling guidelines consistent with the photography's classification as determined by the appropriate authority.

Section 445 is similar to Section 435 of the Senate amendment. The House bill had no similar provision.

Section 446. Security clearances in the National Geospatial-Intelligence Agency

Section 446 requires the Secretary of Defense to delegate to the Director of NGA through December 31, 2008, the personnel security authority with respect to NGA personnel that is identical to the personnel security authority of the Director of NSA with respect to NSA personnel. Section 446 is designed as an interim measure to address what has been a large backlog in security clearances at NGA. The conferees believe the DNI and the Secretary of Defense must continue to seek a permanent method of addressing clearance matters such as these. Section 446 is identical to Section 436 of the Senate amendment. The House bill had no similar provision.

SUBTITLE D—OTHER ELEMENTS

Section 451. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the Intelligence Community

Section 451 restores, with respect to the United States Coast Guard, the prior definition of ''intelligence community'' in the National Security Act of 1947 applicable to that service. *See* 50 U.S.C. 401a. Section 1073 of the Intelligence Reform Act modified the definition of ''intelligence community,'' inadvertently limiting the Coast Guard's inclusion in the Intelligence Community to the Office of Intelligence or those portions of the Coast Guard concerned with the analysis of intelligence. Section 451 clarifies that all of the Coast Guard's intelligence elements are included within the definition of the ''intelligence community.''

Section 451 also codifies the joint decision of the DNI and Attorney General that the Drug Enforcement Administration should be within the Intelligence Community.

Section 451 is similar to Section 441 of the Senate amendment and Section 433 of the House bill.

TITLE V—OTHER MATTERS

SUBTITLE A—GENERAL INTELLIGENCE MATTERS

Section 501. Extension of National Commission for Review of Research and Development Programs of the United States Intelligence Community

The National Commission for Review of Research and Development Programs of the United States Intelligence Community was authorized in Intelligence Authorization Act for Fiscal Year 2003, and lapsed on September 1, 2004. Section 501 renews authority for this Commission by extending the reporting deadline to December 31, 2008, and requiring that new members be appointed to the Commission. This section also authorizes funds for the commission from the Intelligence Community Management Account. Section 501 is similar to Section 502 of the House bill. The Senate amendment had no similar provision.

Section 502. Report on intelligence activities

Section 502 requires the DNI to submit a report to the congressional intelligence committees describing any authorization, if it exists, to engage in intelligence activities related to the overthrow of a democratically elected government during the 10-year period prior to enactment of this Act. Section 502 is similar to Section 503 of the House bill. The Senate had no comparable provision.

Section 503. Aerial Reconnaissance Platforms

The conferees agreed to include in Section 503 of the conference report the same amendment to Section 133(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (''NDAA'') that was included in H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 as passed by the House on May 17, 2007.

Section 501 of the House bill reflected the interest of the House that the Secretary of Defense not make the certification required in Section 133(b) of the NDAA until after a study has been completed to determine whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the capabilities of the U–2 aircraft; the Secretary has made a determination whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of the 2006 Quadrennial Defense Review; and the study has been submitted to the congressional committees of jurisdiction in accordance with the rules of each chamber.

The Senate had no comparable provision.

SUBTITLE B—TECHNICAL AMENDMENTS

Section 511. Technical amendments to Title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Protection Act of 2004

Section 511 corrects a number of technical errors in the United States Code arising from the enactment of the Intelligence Reform Act in 2004. Section 511 is identical to Section 504 of the Senate amendment. The House bill has no similar provision.

Section 512. Technical amendments to the Central Intelligence Agency Act of 1949

Section 512 amends the Central Intelligence Agency Act of 1949 by updating references to the National Security Act of 1947 to reflect amendments made by the Intelligence Reform Act. Section 512 is identical to Section 505 of the Senate bill and similar to Section 422 of the House bill.

Section 513. Technical amendments to the multiyear National Intelligence Program

Section 513 updates the ''multiyear national intelligence program'' to incorporate organizational and nomenclature changes made by the Intelligence Reform Act. Section 506 is identical to Section 513 of the Senate amendment and Section 511 of the House bill.

Section 514. Technical clarifications of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities

Section 514 makes technical clarifications to the National Security Act of 1947 to reflect the consolidation of the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities program into the Military Intelligence Program. This section preserves the requirement that the DNI participate in the development of the annual budget and be consulted prior to the transfer or reprogramming of funds for the Military Intelligence Program. Section 514 is identical to Section 502 of the Senate amendment and Section 512 of the House bill.

Section 515. Technical amendments to the National Security Act of 1947

Section 515 makes a number of technical corrections to the National Security Act of 1947 arising from enactment of the Intelligence Reform Act. Conferees removed one technical correction because it was unnecessary to clarify the scope of a completed reporting requirement. Section 515 is otherwise identical to Section 501 of the Senate bill and Section 513 of the House bill.

Section 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004

Section 516 makes a number of technical and conforming amendments to the Intelligence Reform Act. Section 516 is identical to Section 503 of the Senate amendment and Section 514 of the House bill.

Section 517. Technical amendments to the Executive Schedule

Section 517 makes technical amendments to the Executive Schedule to correct outdated and incorrect references to ''Director of Central Intelligence,'' ''Deputy Directors of Central Intelligence,'' and ''General Counsel to the National Intelligence Director.'' Section 517 is substantially similar to Section 507 of the Senate amendment and Section 515 of the House bill.

GENERAL MATTERS

Items not included

The managers agreed not to include in the conference report certain sections from the House bill and the Senate amendment because these sections were unnecessary; the requirements in the section had been or would be otherwise fulfilled; the sections related to activities for which funds would not be available; or for other reasons.

Because the DNI expressed concerns over the increase in the number of Senate-confirmed positions within the Intelligence Community, the conferees reviewed the total number of Senate-confirmed positions in the Senate amendment and the House bill. On that review, the conferees determined to limit the additional confirmed positions in this conference report to the three positions they identified to be the highest current priority. In doing so, the conferees eliminated a provision that would have required the head of NGA to be confirmed by the Senate, as discussed in Section 444 of this joint explanatory statement, and removed Section 421 of the Senate amendment and Section 421 of the House bill. Section 421 of the Senate amendment and House bill would have made the position of Deputy Director of the Central Intelligence Agency a statutory position that required appointment by the President, with the advice and consent of the Senate. The conferees expect that the congressional intelligence committees will continue to consider the appropriate method of appointment of the Deputy Director of the Central Intelligence Agency.

The conference report also eliminates Section 407 of the House bill, which would have required the DNI to submit a National Intelligence Estimate on the anticipated geopolitical effects of global climate change on the national security of the United States. The conferees remain fully committed to this assessment. The conferees note the DNI has stated that work on such a national intelligence assessment has already begun. The conferees expect that the national intelligence assessment will be transmitted to Congress in a timely manner.

The House receded on the following sections: Section 405, eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence; Section 504, reiteration of the Foreign Intelligence Surveillance Act of 1978 (''FISA'') as the exclusive means for electronic surveillance; Section 517, technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency; Section 601, identification of best practices for the communication of information concerning a terrorist threat; and Section 602, centers of best practices.

The Senate receded on the following sections: Section 106, development and acquisition program; Section 315, submittal to Congress of certain FISA court orders; Section 409, reserve for contingencies of the Office of the Director of National Intelligence; Section 508, technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency; and Section 509, technical amendments relating to the responsibility of the Director of National Intelligence. The elimination of Section 106 of the Senate amendment is discussed in more detail in the classified annex.

With respect to the two provisions in the House bill and Senate amendment dealing with FISA, it was the judgment of the conferees that they would best be addressed in pending legislation to amend FISA.

Compliance with rule XXI, CL. 9 (House) and with rule XLIV (Senate)

The following list is submitted in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, which require publication of a list of congressionally directed spending items (Senate), congressional earmarks (House), limited tax benefits, and limited tariff benefits included in the conference report, the joint explanatory statement, or the classified schedule of authorizations accompanying the conference report, including the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Congressionally directed spending items (as defined in the Senate rule) and congressional earmarks (as defined in the House rule) in this division of the conference report, the joint explanatory statement, or the classified schedule of authorizations are listed below. The conference report, the joint explanatory statement, and the classified schedule of authorizations contain no limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

The following items are included in the NIP authorization:

(1) A provision directing the expenditure of $3,000,000 for research into advanced mirror development in the National Reconnaissance Program. The provision was requested by Congressman Tierney.

(2) A provision adding $3,200,000 to the National Security Agency for the RC–135 sensor upgrade. The provision was added at the request of Congressman Hall of Texas.

(3) A provision adding $2,750,000 to the National Security Agency for geo-location software development. The provision was added at the request of Congresswoman Eshoo.

(4) A provision adding $3,000,000 to the National Security Agency for a Counterproliferation system prototype. The provision was requested by Congressman Ruppersberger.

(5) A provision adding $23,000,000 to fund the operations of the NDIC. The provision was added at the request of Congressman Murtha.

(6) A provision adding $1,600,000 to the Community Management Account for the Centers of Academic Excellence. The provision was requested by Congressman Hastings of Florida.

(7) A provision adding $1,500,000 for the Laboratory for High-Performance Computational Systems at the Missile and Space Intelligence Center. The provision was requested by Congressman Cramer.

(8) A provision adding $1,000,000 to improve rapid missile all-source analysis at the Missile and Space Intelligence Center. The provision was requested by Congressmen Cramer and Everett.

(9) A provision adding $4,000,000 for a Missile and Space Intelligence Center simulation project. The provision was requested by Congressman Cramer and Everett.

(10) A provision adding $1,000,000 for seismic research to the General Defense Intelligence Program. The provision was requested by Congressman Tierney.

(11) A provision adding $2,000,000 to the National Geospatial Intelligence Program for a global geospatial data project. The provision was requested by Congressman Everett.

(12) A provision adding $1,000,000 for joint intelligence training and education to the Joint Counterintelligence Training Activity. The provision was requested by Congressman Murtha.

(13) A provision adding $1,000,000 for mobile missile analysis and detection to the General Defense Intelligence Program. The provision was requested by Congressman Murtha.

(14) A provision adding $200,000 to the Office of the Director of National Intelligence for an Intelligence Training Program run by the Kennedy School of Government. This program was started in fiscal year 2007, but the President did not request funding for it for fiscal year 2008. The provision was added at the request of Senator Rockefeller.

(15) A provision adding $3,000,000 to the Naval Oceanographic Command. This provision was added at the request of Senator Lott.

(16) A provision directing the expenditure of $3,000,000 for a classified effort with the National Reconnaissance Office's GEOINT/SIGINT Integrated Ground Development Engineering and Management Expenditure Center. This provision was added at the request of Senator Rockefeller.

In addition, the following earmarks (as defined in the House rule) are included in the Military Intelligence Program and the Information Systems Security Program. The House Permanent Select Committee on Intelligence shares jurisdiction of these programs with the House Armed Services Committee.

(1) A provision adding $2,000,000 to the National Security Agency for a radio frequency signal collection program. The provision was requested by Congressman Ruppersberger.

(2) A provision adding $1,000,000 to the National Security Agency for a next-generation signal intelligence sensor. The provision was requested by Congressman McCaul.

(3) A provision adding $1,000,000 to Special Operations Command for tactical signals intelligence and geo-location cognitive analysis. The provision was requested by Congressman Cramer.

(4) A provision adding $1,000,000 to the United States Army for Battle Lab collection management tool synchronization. The provision was requested by Congressman Cramer.

(5) A provision adding $1,500,000 to the United States Army for sensor visualization and data fusion. The provision was requested by Congressman Tierney.

(6) A provision adding $3,000,000 to the United States Air Force for the RC–135 modernization. The provision was requested by Congressman Hall of Texas.

(7) A provision adding $2,000,000 to the Office of the Secretary of Defense for the Western Hemisphere Security Analysis Center. The provision was requested by Congressman Hastings of Florida.

(8) A provision adding $10,000,000 to the National Security Agency for the national/tactical gateway. The provision was requested by Congressman Ruppersberger.

(9) A provision adding $2,500,000 for computer chip hardening to the National Security Agency. The provision was requested by Congressman Ruppersberger.

(10) A provision adding $2,500,000 for the cryptographic modernization program to the National Security Agency. The provision was requested by Congressman Honda.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

SILVESTRE REYES,
ALCEE L. HASTINGS,
LEONARD L. BOSWELL,
BUD CRAMER,
ANNA G. ESHOO,
RUSH HOLT,
C. A. RUPPERSBERGER,
MIKE THOMPSON,
JANICE SCHAKOWSKY,
JAMES R. LANGEVIN,
PATRICK J. MURPHY.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

IKE SKELTON,
JOHN M. SPRATT, Jr.,
Managers on the Part of the House.

JOHN ROCKEFELLER,
DIANNE FEINSTEIN,
RON WYDEN,
EVAN BAYH,
BARBARA A. MIKULSKI,
RUSSELL D. FEINGOLD,
BILL NELSON,
SHELDON WHITEHOUSE,
CHUCK HAGEL,
OLYMPIA J. SNOWE,
CARL LEVIN.
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINOJOSA (at the request of Mr. HOYER) for today.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of an event in the district.

Mr. WU (at the request of Mr. HOYER) for today on account of official travel.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. LEE) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, December 13.

Mr. JONES of North Carolina, for 5 minutes, December 13.

Mr. MICA, for 5 minutes, today.

Mr. TERRY, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. SMITH of Nebraska, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, December 12 and 13.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

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. Con. Res. 58. Concurrent resolution welcoming First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States; to the Committee on Foreign Affairs.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, December 10, 2007, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4288. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Live Swine, Swine Semen, Pork, and Pork Products From the Czech Republic, Latvia, Lithuania, and Poland [Docket No. APHIS-2006-0106] (RIN: 0579-AC33) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4289. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Purchaser Elects Government Road Construction (RIN: 0596-AC40) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4290. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority (RIN: 0596-AC09) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4291. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Indices To Determine Market-Related Contract Term Additions (RIN: 0596-AC29) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4292. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetamiprid; Pesticide Tolerance [EPA-HQ-OPP-2007-0105; FRL-8340-6] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4293. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Vip3Aa20 Protein and the Genetic Material Necessary for its Production in Corn; Extension of Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2007-0574; FRL-8340-5] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4294. A letter from the Chairman and CEO, Farm Credit Administration, Farm Credit Administration, transmitting the Administration's final rule — Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC40) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4295. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Base Operating Support function at Goodfellow Air Force Base, Texas, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

4296. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General William T. Hobbins, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

4297. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Garrett Harencak to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4298. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Russel L. Honore, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4299. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Annual Report of Foreign Bank and Financial Accounts (FBAR) for calendar year 2006, pursuant to Public Law 107-56, section 361(b); to the Committee on Financial Services.

4300. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Standards: Revised Capital Adequacy Guidelines (Basel II: Advanced Approach) — received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4301. A letter from the Designated Federal Official, Federal Advisory Committee on Juvenile Justice, transmitting the Committee's Annual Report to the President and Congress for 2007; to the Committee on Education and Labor.

4302. A letter from the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the Department's draft National Environmental Policy

Act (NEPA) documents related to the Yucca Mountain Project; to the Committee on Energy and Commerce.

4303. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Revision of the Requirements for Live Vaccine Processing [Docket No. 2007N-0284] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4304. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hemet, California) [MB Docket No. 07-1 RM-11356] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4305. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Humbolt, Nebraska) [MB Docket No. 07-176 RM-11389] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4306. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matters of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Silverton, Colorado) [MB Docket No. 07-130 RM-11372] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4307. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Walden, Colorado) [MB Docket No. 07-174 RM-11387] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4308. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 [MB Docket No. 05-311] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4309. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Midway, Falmouth, Owingsville, Danville, Wilmore, and Perryville, Kentucky) [MB Docket No. 05-248 RM-11262 RM-11315] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4310. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Boswell, Oklahoma and Detroit, Texas) [MB Docket No. 06-200] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4311. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Prineville, Oregon) [MB Docket No. 07-39 RM-11360] received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4312. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No. 071114706-7725-01] (RIN: 0694-AE19) received December 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4313. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2007, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

4314. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4315. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4316. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4317. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2007 Performance and Accountability Report required under the Accountability for Tax Dollars Act of 2002; to the Committee on Oversight and Government Reform.

4318. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

4319. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4320. A letter from the Chairman, National Mediation Board, transmitting the FY 2007 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(d)(2); to the Committee on Oversight and Government Reform.

4321. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2007 to September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4322. A letter from the Director Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — Recruitment, Relocation, and Retention Incentives (RIN: 3206-AK81) received November 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4323. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2007 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4324. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in AK; Kenai Peninsula Subsistence Resource Region (RIN: 1018-AU92) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4325. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Special Uses; Managing Recreation Residences and Assessing Fees Under the Cabin User Fee Fairness Act (RIN: 0596-AB83) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4326. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Procedures for Appraising Recreation Residence Lots and for Managing Recreation Residence Uses Pursuant to the Cabin User Fee Fairness Act (RIN: 0596-AB83) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4327. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations [WO-610-411H12-24 1A] (RIN: 1004-AD59) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4328. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Observer Health and Safety [Docket No. 071023555-7555-01; I.D. 062906A] (RIN: 0648-AU48) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4329. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report of activities initiated pursuant to the Civil Rights of Institutionalized Persons Act during fiscal years 2005 and 2006, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

4330. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting notification that the Solicitor General has decided that the Department of Justice will not defend the constitutionality of section 80102 of title 46 of the U.S. Code, pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

4331. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Monticello, IA [Docket No. FAA-2007-27678; Airspace Docket No. 07-ACE-3] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4332. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Monticello, IA [Docket No. FAA-2007-27678; Airspace Docket No. 07-ACE-3] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4333. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marshalltown, IA [Docket No. FAA-2007-27679; Airspace Docket No. 07-ACE-4] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4334. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Modification of Class E Airspace; Marshalltown, IA [Docket No. FAA-2007-27679; Airspace Docket No. 07-ACE-4] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4335. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Manhattan, KS [Docket No. FAA-2007-27677; Airspace Docket No. 07-ACE-2] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4336. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Manhattan, KS [Docket No. FAA-2007-27677; Airspace Docket No. 07-ACE-2] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4337. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Routes (RNAV), Western United States. [Docket No. FAA-2007-27270; Airspace Docket No. 07-ANM-1] (RIN: 2120-AA66) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4338. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Canby, MN. [Docket No. FAA-2007-27676; Airspace Docket No. 07-AGL-2] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4339. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Canby, MN. [Docket No. FAA-2007-27676; Airspace Docket No. 07-AGL-2] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4340. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation; Fire Extinguisher Exception for Driveway-Towaway Operations [Docket No. FMCSA-1997-2364] (RIN: 2126-AB08) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4341. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled, ''The Space Commerce Act of 2007''; to the Committee on Science and Technology.

4342. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Plan to Implement Medicare Hospital Value-Based Purchasing (VBP),'' pursuant to Public Law 109-171, section 5001(b); to the Committee on Ways and Means.

4343. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL AMENDMENTS TO LIST OF USER FEE AIRPORTS [CBP Dec. 07-83] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4344. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations (RIN: 0596-AB36) received November 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

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. ARCURI: Committee on Rules. House Resolution 849. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes (Rept. 110–475). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 850. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–476). Referred to the House Calendar.

Mr. SKELTON: Committee of Conference. Conference report on H.R. 1585. A bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes (Rept. 110–477). Ordered to be printed.

Mr. REYES: Committee of Conference. Conference report on H.R. 2082. A bill to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110–478). 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. FRANK of Massachusetts:

H.R. 4299. A bill to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes; to the Committee on Financial Services.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 4300. A bill to establish a meaningful opportunity for parole for each child offender sentenced to life in prison, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself and Mr. GEORGE MILLER of California):

H.R. 4301. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, House Administration, and the Judiciary, 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. CHABOT:

H.R. 4302. A bill to amend title 18, United States Code, to require the reading in open court in criminal cases of crime victims' rights; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 4303. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income rewards received for information provided with respect to violations of Federal criminal law; to the Committee on Ways and Means.

By Mr. BOOZMAN (for himself, Mr. BERRY, Mr. SNYDER, and Mr. ROSS):

H.R. 4304. A bill to authorize the Secretary of the Army to establish, modify, charge, and collect recreation fees at lands and waters administered by the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 4305. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education; to the Committee on Education and Labor.

By Mr. KING of Iowa (for himself and Mr. LATHAM):

H.R. 4306. A bill to amend the Clean Air Act and the Internal Revenue Code of 1986 to increase the use of ethanol and bio-diesel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, 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 Mrs. BLACKBURN (for herself, Mr. TOWNS, Mr. BUTTERFIELD, Mr. SALI, and Mr. BARTON of Texas):

H.R. 4307. A bill to amend the Communications Act of 1934, and increase consumer freedom of choice in the video marketplace; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself and Mrs. JONES of Ohio):

H.R. 4308. A bill to create a sponsorship program to help fund NASA's Centennial Challenges prize program and expand public awareness of NASA activities and technology needs, and for other purposes; to the Committee on Science and Technology.

By Mr. RODRIGUEZ (for himself, Mr. ORTIZ, Mr. REYES, Mr. CUELLAR, Mr. GRIJALVA, Mr. HINOJOSA, and Mr. FILNER):

H.R. 4309. A bill to require the Secretary of Transportation and the Secretary of Commerce to submit to Congress reports on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 4310. A bill to authorize the Secretary of Energy to establish a program of energy assistance grants to local educational agencies; to the Committee on Education and Labor.

By Mrs. BACHMANN (for herself, Mr. COOPER, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. HERGER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. LAMBORN, Mr. DANIEL E. LUNGREN of California, Mrs. MUSGRAVE, Mr. PENCE, Mr. PITTS, Mr. SHADEGG, Mr. WALBERG, Mr. WAMP, Mr. WELDON of Florida, and Mr. WILSON of South Carolina):

H.R. 4311. A bill to authorize States to use funds provided for the Chafee Foster Care Independence Program to provide vouchers to cover tuition costs at private schools, and transportation costs to and from public schools, of foster children of all ages; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. MELANCON, Mr. BOUSTANY, Mr. JEFFERSON, and Mr. ALEXANDER):

H.R. 4312. A bill to amend the Internal Revenue Code of 1986 to extend certain benefits applicable to the Gulf Opportunity Zone, and for other purposes; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Mr. ELLISON, Mrs. MCCARTHY of New York, Ms.

NORTON, Mr. COHEN, Ms. BERKLEY, Mr. SHERMAN, Mr. CARNEY, Mr. TOWNS, Mr. DONNELLY, Mr. BARROW, and Mr. BOSWELL):

H.R. 4313. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 4314. A bill to extend the temporary suspension of duty on certain color video monitors; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 4315. A bill to extend the temporary suspension of duty on certain color video monitors; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 4316. A bill to extend the temporary suspension of duty on certain black and white monitors; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 4317. A bill to extend the temporary suspension of duty on certain color video monitors; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mr. RAMSTAD):

H.R. 4318. A bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayer's liability by tax return preparers; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 4319. A bill to extend the temporary suspension of duty on parts for use in the manufacture of certain high-performance loudspeakers; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 4320. A bill to amend title XIX of the Social Security Act to strengthen the Medicaid third-party liability requirements; to the Committee on Energy and Commerce.

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

H.R. 4321. A bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes.; to the Committee on Energy and Commerce.

By Mr. FORBES:

H.R. 4322. A bill to extend the suspension of duty on the mixture of 5,5-Bis[(g,v-perfluoro(C4-20)alkylthio)methyl]-2-hydroxy-2-o o-1,3,2-dioxaphosphorinane, ammonium salt (CAS No. 148240-85-1) and 2,2-bis[(g,v-perfluoro(C4-20)-alkylthio)methyl]-3-hydroxypro yl phosphate, diammonium salt (CAS No. 148240-87-3) and di-[2,2-bis[(g,v-perfluoro-(C4-20)alkylthio)methyl]]-3-hydro ypropyl phosphate, ammonium salt (CAS No. 148240-89-5) and 2,2-bis[(g,v-perfluoro(C4-20)alkylthio)methyl]-1,3-di-(dihyd ogenphosphate)propane, tetraammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4323. A bill to extend the suspension of duty on Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylyene telomer; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4324. A bill to extend the suspension of duty on 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-,(1R,6R)-rel-, reaction products with pentafluoroiodoethane-tetrefluoroethylene telomer, ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4325. A bill to extend the suspension of duty on Bis (2,2,6,6,-tetramethyl-4-piperidyl) sebaceate; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 4326. A bill to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois (for himself, Mr. PATRICK MURPHY of Pennsylvania, Ms. HERSETH SANDLIN, Mr. LATHAM, Ms. SCHWARTZ, and Mr. HULSHOF):

H.R. 4327. A bill to establish a Medicare Chronic Care Practice Research Network to develop and apply improved practices in care management for Medicare beneficiaries with multiple, chronic conditions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 Mrs. JONES of Ohio (for herself, Mr. TIBERI, and Ms. SUTTON):

H.R. 4328. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key community development programs; to the Committee on Financial Services.

By Ms. KAPTUR (for herself, Mrs. BOYDA of Kansas, Mr. HUNTER, Mr. HARE, Mr. KUCINICH, Mr. MICHAUD, Mr. RYAN of Ohio, Ms. SUTTON, and Mr. GRIJALVA):

H.R. 4329. A bill to assess the impact of the North American Free Trade Agreement (NAFTA), to require further negotiation of certain provisions of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4330. A bill to amend part B of title XVIII of the Social Security Act to repeal the income-related increase in part B premiums that was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 Mrs. LOWEY:

H.R. 4331. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, 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 Mrs. MALONEY of New York (for herself and Mr. FRANK of Massachusetts):

H.R. 4332. A bill to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes; to the Committee on Financial Services.

By Mr. MATHESON:

H.R. 4333. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; to the Committee on Natural Resources.

By Mr. MCHUGH (for himself and Mr. HUNTER):

H.R. 4334. A bill to amend title 37, United States Code, to ensure that a member of the uniformed services who no longer satisfies the eligibility conditions for receipt of a bonus or similar benefit because of the death of the member or the retirement or separation of the member due to injury, illness, or other impairment will still receive the balance of the bonus or similar benefit and is not required to repay any portion of the bonus or similar benefit previously paid; to the Committee on Armed Services.

By Mr. PAYNE (for himself, Mr. HINOJOSA, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ELLISON, Mr. FATTAH, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. NORTON, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. CLAY, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. ORTIZ, Mr. PASTOR, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIRES, Mr. TANNER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Ms. WOOLSEY, Mr. WYNN, Ms. SOLIS, Ms. CLARKE, Mr. HIGGINS, and Mr. KUCINICH):

H.R. 4335. A bill to promote youth financial education; to the Committee on Education and Labor.

By Mr. PRICE of North Carolina (for himself, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. CAPUANO, Mr. ETHERIDGE, Mr. PASCRELL, Mr. ROTHMAN, Mr. TERRY, and Mr. BOOZMAN):

H.R. 4336. A bill to direct the Secretary of Transportation to issue a regulation requiring the installation of a second cockpit voice recorder and digital flight data recorder system that utilizes combination deployable recorder technology in certain commercial passenger aircraft; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS (for himself, Mr. EDWARDS, Ms. GINNY BROWN-WAITE of Florida, Mr. FRANKS of Arizona, Mr. MANZULLO, Mr. GOODLATTE, and Mr. CARTER):

H.R. 4337. A bill to amend the Internal Revenue Code of 1986 to allow individuals an above-the-line deduction for contributions made to the Armed Forces Relief Trust as part of filing their income tax returns; to the Committee on Ways and Means.

By Mr. WALBERG (for himself, Mrs. DRAKE, and Mrs. JONES of Ohio):

H.R. 4338. A bill to establish a procedure to safeguard the surpluses of the social security and medicare hospital insurance trust funds; to the Committee on the Budget, and in addition to the Committee on Rules, 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. CHABOT:

H.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the

United States to establish and protect the rights of victims of violent crimes; to the Committee on the Judiciary.

By Mr. FRANKS of Arizona (for himself, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Mr. AKIN, Mr. HUNTER, Mr. DOOLITTLE, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. SAXTON, Mr. LOBIONDO, Mr. RENZI, Mr. COLE of Oklahoma, Mr. KUHL of New York, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. GINGREY, Mr. BARRETT of South Carolina, Mr. MCCOTTER, and Mr. MILLER of Florida):

H.J. Res. 67. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

By Ms. SCHAKOWSKY:

H. Con. Res. 266. Concurrent resolution expressing the sense of the Congress with regard to the world's freshwater resources; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial 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. DELAHUNT (for himself, Mr. REYES, Mr. ROHRABACHER, Mr. MEEKS of New York, Mr. JONES of North Carolina, Mr. CROWLEY, Mr. HILL, Mr. POE, Mr. MCGOVERN, Mr. CULBERSON, and Mr. PAYNE):

H. Con. Res. 267. Concurrent resolution calling on the President to commute the sentences of United States Border Patrol Agents Ignacio Ramos and Jose Compean to time served; to the Committee on the Judiciary.

By Mr. LYNCH:

H. Con. Res. 268. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to promote public awareness of, and additional research relating to, scleroderma; to the Committee on Oversight and Government Reform.

By Mr. KING of Iowa (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CARTER, Mr. CONAWAY, Mr. DAVID DAVIS of Tennessee, Mr. DOOLITTLE, Mr. FEENEY, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Mr. HAYES, Mr. HERGER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. JORDAN, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LAHOOD, Mr. LAMBORN, Mr. LAMPSON, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL of Texas, Mr. MCINTYRE, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. POE, Mr. SALI, Mr. SHADEGG, Mr. SMITH of Texas, Mr. STEARNS, Mr. TERRY, Mr. TIAHRT, Mr. WALBERG, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, and Mrs. DRAKE):

H. Res. 847. A resolution recognizing the importance of Christmas and the Christian faith; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY (for herself and Mr. KIRK):

H. Res. 848. A resolution recognizing and honoring Prevent Blindness America for its 100 years of dedication to preventing blindness and preserving eyesight; to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. DICKS, Ms. HOOLEY, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. REICHERT, Mr. HASTINGS of Washington, Mr. LARSEN of Washington, Mr. INSLEE, Mr. BAIRD, Mr. SMITH of Washington, Mr. MCDERMOTT, Mrs. MCMORRIS RODGERS, Mr. MEEK of Florida, Mr. GUTIERREZ, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. MEEKS of New York, Mr. ALLEN, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mrs. DRAKE, Mr. KLEIN of Florida, Mr. HONDA, Ms. WASSERMAN SCHULTZ, Mr. HINCHEY, Mr. STUPAK, Mr. KILDEE, Mr. SERRANO, Mr. RUSH, Mr. WEINER, Mr. CAPUANO, Mr. HALL of Texas, Mr. UPTON, Mrs. CAPITO, Mr. MCKEON, Mr. KAGEN, Mr. PETERSON of Pennsylvania, Mr. BARTON of Texas, Mr. POMEROY, Mr. KUCINICH, Mr. SALAZAR, Mr. DOGGETT, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. HILL, Mr. PASTOR, Ms. SUTTON, Mr. STARK, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. PEARCE, Mr. DREIER, Mr. CROWLEY, Mr. SIRES, Mr. KIND, Ms. BEAN, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. OLVER, Mr. SAXTON, Mr. MARKEY, Mr. PORTER, Mr. GORDON, Mr. MCCRERY, Mrs. LOWEY, Mr. COBLE, Ms. PRYCE of Ohio, Mr. SAM JOHNSON of Texas, Mr. FRELINGHUYSEN, Mr. KNOLLENBERG, and Mr. LARSON of Connecticut):

H. Res. 851. A resolution honoring local and state first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007; to the Committee on Oversight and Government Reform.

By Mr. POE (for himself, Mr. COSTA, Mr. CHABOT, Mr. CLEAVER, Mr. MOORE of Kansas, Mrs. MALONEY of New York, Mr. COHEN, Ms. MATSUI, Mr. GENE GREEN of Texas, and Ms. ROYBAL-ALLARD):

H. Res. 852. A resolution raising awareness and encouraging prevention of stalking by establishing January 2008 as ''National Stalking Awareness Month''; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GRIJALVA:

H.R. 4339. A bill for the relief of Jesus Manuel Cordova Soberanes; to the Committee on the Judiciary.

By Mr. LYNCH:

H.R. 4340. A bill for the relief of Xenia A. Rollinson; to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 4 by Mr. ADERHOLT on House Resolution 748: Joseph R. Pitts, Greg Walden, Mario Diaz-Balart, Lincoln Diaz-Balart, Joe Knollenberg, Phil Gingrey, Todd Tiahrt, Steve Chabot, Thelma D. Drake, Nathan Deal, Bob Goodlatte, and Jeff Fortenberry.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, DECEMBER 6, 2007 No. 186

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You have brought us to this season of great expectations. Prepare our hearts to welcome Your coming. Use our Senators to bring good tidings of peace and unity. May no low mood, no frustration, and no sense of futility cripple their effectiveness. Instead, let our lawmakers embrace optimism as they serve You and humanity. Deliver them from the temptation of trying to make it in their own strength and, instead, help them to yield to the inflow of Your wisdom, insight, vision, and guidance.

Lord, we also pray for the millions who live in constant deprivation: the homeless and the hungry, the oppressed and the persecuted. We pray for those in prison and their families. We pray for the poor of our cities, the street people, the lonely, and the forgotten elderly. Help us to share our more than enough with those who rarely have enough.

We pray in the Name of the judge of all the Earth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 6, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MENENDEZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time used by the leaders, the Senate will conduct an hour of debate prior to a vote on the motion to invoke cloture on the motion to proceed to the AMT legislation, H.R. 3996. The debate time is equally divided and controlled between the leaders or their designees. Under an order entered last night, each leader will control 10 minutes immediately prior to the rollcall vote, with the majority leader controlling the final 10 minutes. The rollcall vote will occur probably around 11:40 this morning or thereabouts.

As a reminder to Members, I filed cloture on the Harkin substitute to the farm bill. If Members who are listed on the finite list of amendments to the bill have not filed their germane first-degree amendments, they will need to do so by 1 p.m. today. Of course, amendments already filed don't need to be refiled.

NORTH KOREA AND THE SUBPRIME MORTGAGE CRISIS

Mr. REID. Mr. President, I always try and be aware of what happens in the morning news. The first thing I do when I get up in the morning is listen to what is on the radio as to what has developed over the night. Everyone knows I have criticized the President on occasion, but I think it is also appropriate, when we hear some good news, to throw an accolade toward the President on occasions when there are good things to talk about.

I am confident of the reports we get this morning that the President sent a personal letter to North Korea's leader, Kim Jong-Il. He sent a letter. That is important. I have not read the letter, but all the news accounts indicate it is meant as a message to the leader of North Korea, to send a message that we want to work with North Korea. That is a positive step to breathe new energy into our diplomatic efforts with North Korea.

I have long advocated that we must reach out to people, even though we don't like how they are conducting their government. Diplomacy must be grounded in communication and the personal touch. In taking this step with North Korea, I believe President Bush is taking a page out of Ronald Reagan's book of diplomacy.

There was no elected official, at the time President Reagan was elected President, who more disliked the Soviet Union and the Communist way of government and life. But the President, President Reagan, reached out to them. In his first day in office, he sent diplomats to the Soviet Union to try to work things out. As a result of that, he held meetings with people he didn't admire and maybe even respect, but he did that because he believed, as did Jim Baker, as Secretary of State, that it was the right thing to do. And it proved to be the right thing to do.

Too many throughout the world have come to view America's approach this past 7 years as ''shoot first, talk later.'' I take this letter as a sign that President Bush has learned that communication is not a sign of weakness but a sign of strength.

As I have been saying since the national intelligence report on Iran was published earlier this week, we should be taking a diplomatic surge approach to Iran. The President should make Secretary Rice and Secretary Gates available to meet with their Iranian counterparts to begin those long overdue diplomatic efforts.

On another subject, Secretary Paulson this morning, with the President, will unveil the administration's strategy to address the crisis in subprime lending. We know the effort will not cover everything, but it is a step in the right direction. We don't know the details of this plan yet, but I am glad to see the White House beginning to address this awful situation that now threatens the homes, security, and the way of life of millions of Americans, including about 150,000 Nevadans.

In Nevada, we continue to work hard locally with constituent services and in education to make at-risk homeowners aware of the options available to them. This crisis calls for national leadership and we look forward to Secretary Paulson's proposal. We believe our proposal, FHA Modernization Act, goes even further than the administration's.

Earlier this week, Secretary Paulson called upon Congress to pass the FHA bill. Mr. President, we have been trying to do that. We have been prevented from passing it because of the Republicans. Secretary Paulson is part of a Republican administration. He should lean on the minority here in the Senate to allow us to get this passed. I call once again upon Senate Republicans to heed the call of millions of at-risk homeowners and to heed the call of Secretary Paulson, to pass the FHA Modernization Act. The only thing standing in the way of passing this bill, so we do not pass it, is the Republicans.

On November 15, we tried at the same time to pass the FHA Act to assist at-risk homeowners and the Transportation-HUD appropriations conference report. That bill was so important because, in that, Senator MURRAY provided $200 million for foreclosure counseling and mitigation. We have learned over the months this foreclosure crisis has been before us that people simply need to know how to get out of the problem they have. People in the home will lose, the lender will lose, the community where the home is located will lose. We need to try to keep people in these homes. That is why the FHA Modernization Act is so important.

The Banking Committee sent the FHA Modernization Act to the floor with a 20-to-1 vote. As I said, Secretary Paulson, whom I respect, called for Congress to pass it. We can't do it unless he gets his Republican Senators to support this.

Much of the burden for this crisis that exists in America today has to be met by the Finance Committee. The chairman of the Finance Committee is on the floor today. With him being present, I am going to ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 481, S. 2338, the FHA Modernization Act; and that the Dodd-Shelby amendment at the desk be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table, and any statement relating to this matter be printed at an appropriate place as if given.

Mr. President, before I hear from my Republican colleagues as to whether there is going to be objection, let me repeat: The Secretary of the Treasury, appointed by President Bush, has called for passage of this legislation. We want it passed. We hope it could be passed. It would do a great deal to alleviate some of the problems facing our country.

I met yesterday with realtors from Nevada. They said if this passed, it would be a tremendous boost to their ability to work out some of the problems we are having in Nevada, as we are having around the country.

I came to the floor to say positive things about the President's actions to help as many as 200,000 people. That is, their efforts today, his and Secretary Paulson's efforts today, will help about 200,000 people. That is about 10 percent of the people in real trouble.

Is that enough? Of course it is not enough. But it is a step in the right direction. This FHA unanimous consent request I have made is also a tremendously big step in the right direction. I hope my Republican colleagues will not object and we can go forward with this legislation.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I object on behalf of Senator COBURN.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

TEMPORARY TAX RELIEF ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate, prior to a vote on the motion to invoke cloture on the motion to proceed to H.R. 3996, with the time equally divided between the two leaders or their designees, with the 20 minutes immediately prior to the vote to be divided 10 minutes each for the leaders, with the majority leader controlling the final 10 minutes.

The Senator from New Hampshire is recognized.

Mr. GREGG. What is the order of recognition? Is it the Democratic side or Republican side?

The ACTING PRESIDENT pro tempore. There is no order of recognition.

Mr. GREGG. Does the Senator wish to proceed?

Mr. BAUCUS. You go ahead.

Mr. GREGG. I will be happy to allow you.

Mr. BAUCUS. Mr. President, I yield myself such time as I consume.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, in the 1931 film classic, ''Frankenstein,'' the character Dr. Waldman tells Dr. Frankenstein:

> You have created a monster, and it will destroy you.

That is how the AMT looks to the Tax Code. That is what it looks like. It is a monster. It is a thing of dread for many Americans. Unless we act, it will destroy the entire tax system. If we don't act pretty soon, the AMT tax will be greater than the individual Federal income tax. This tax is a problem for taxpayers in all 50 States. I must give a few numbers as to what will happen if we don't extend the AMT patch.

Let's take Texas. The number of Texans subject to the alternative minimum tax, if we do not act this year, would increase from roughly 150,000 taxpayers in Texas to 870,000 taxpayers. That is about a sixfold increase in 1 year.

The number of Nevadans subject to AMT would increase from about 15,000 to about 100,000—again, a little over a sixfold increase.

The number of South Carolinians would increase from 30,000 to 190,000, again a large increase, about 6 times.

That is about average across the country, six times more Americans will pay more taxes under the AMT if we don't act, compared to what they were otherwise paying.

Even taxpayers who do not pay the AMT tax are hurt. Why? Because taxpayers have to calculate not only the regular tax, but taxpayers then have to calculate the alternative minimum tax. That is the law. You have to do both.

First, you have to calculate all your regular taxes. Then you have to calculate what taxes you may pay under a whole separate system of AMT. So even though you may not pay more under the alternative minimum tax, you have still got to go through a second calculation. That is not a lot of fun. Then, if the second calculation shows you pay more under the alternative minimum tax, guess what. You have to pay more. You cannot choose to pay the lesser of the two; you have to pay the greater of the two. That is the law.

Again, the monster created by the Congress years ago, unintended consequences, but a monster we can eliminate, if not destroy, if we take action today.

Calculating taxes once is scary enough. Calculating taxes twice is almost enough to destroy a person. It may also cause significant financial hardship. Why? Because in today's economy, families depend on that refund check. It is getting close to Christmas. People are buying presents. Sometimes they run up their credit cards a little bit. They are depending upon that refund check to pay off their credit card balances. A lot of Americans do that. A lot of Americans do that.

Think of the taxpayers who think they are going to get a refund from the Federal Government. But then, if we do not fix this AMT problem, what happens? They get the letter in the mail telling them they have to pay more taxes because of the AMT. Talk about your horror story.

Here is an example of how AMT hits working families. Let us take a married couple, four young children. What is their household income? A whopping $75,000 a year. Their regular income taxes should be about $1,800. That is probably what they pay. This is after the standard deduction and after the child tax credit.

Again, a family with a $75,000 income, family of four, pays about almost $2,000. Not quite, because they are able to take a standard deduction for the child tax credit.

Well, let's see what happens when we calculate the alternative minimum tax. Same family. Same income. The amount more than doubles this family's tax liability. It raises their tax from $1,800 to $3,800. More than twice. More than twice.

That is a family earning $75,000. Not a huge, big-income family. That is a $75,000 family. The AMT hits this family not because they are rich, because they are not. Why? Because they have four kids. That is kind of how it works. It is perverse. If you have more children, you pay more taxes. That is kind of nutty, but that is what it is today.

The AMT will cost taxpayers because it costs the Federal Government. A delay will create delayed tax return filings, and last minute legislation will delay the issuance of Federal refunds. With each extra day we delay, the greater the cost. The greater the cost to taxpayers, the greater the cost to the IRS. The cost mounts up.

Let's look at some of the costs of delay. If the IRS has to postpone accepting returns to the early part of the filing season, say January 28, this would delay the receipt of more than 6.5 million returns, delay the issuing of more than 5.5 million refunds, totaling more than $17 billion, delay about $17 billion worth.

A delay in fixing the alternative minimum tax affects States. We are not just talking about the Federal income tax, we are talking also about State taxes. Why? Because most State taxes are tied to the Federal tax system.

A delay in the Senate will mean not only a delay in the Federal tax receipts but also a delay in the State tax refunds, Federal and State.

A delay will also mean States that are already financially strapped could have a cash crunch. Think of the States' coffers. Their normal flow of tax revenues will not be coming in. Many States are very tightly budgeted. I know that is true in the State represented by the officer in the chair. I hear many times about the tight fiscal situation in that State.

That is true for most States. If tax agencies cannot reprogram their computer systems in time, States and the IRS are concerned taxpayers will turn back to paper returns. What is the consequence of paper returns? It leads to an increase in processing times and costs as well as more errors.

Let's take the State of Montana. In Montana, it costs $2 to process an electronic return, $2. But it costs $9 to process a paper return. I daresay that disparity is probably true in most States.

At a time when families are experiencing hardship, I must say the other side of the aisle is playing politics. They are not letting us fix this problem. They, in effect, consequently want to increase taxes. They are increasing taxes. How? By causing the alternative minimum tax to be imposed upon Americans, by not letting us fix the alternative minimum tax.

You watch that vote that is coming up. We are not going to get 60 votes. You watch how, when the leader is going to request we take up the House-passed bill, and the substitute measure where we fix the AMT patch, unpaid for, they will object to that. They do not want to fix this problem. They say they do, but their actions are louder than the rhetoric. They are raising taxes. They are raising taxes by not allowing us to fix the alternative minimum tax patch for 2007.

In the 1945 B movie ''House of Dracula,'' the character, Dr. Edelman, says of Frankenstein's monster:

> He's indestructible. Frankenstein's creation is man's challenge to the laws of life and death.

Let's prevent that from being said about the AMT. Let's prove the AMT is

not indestructible. Let's move to proceed to the House bill and stop this tax monster.

We are going to do this. Let's do it now. We know we are going to fix this one way or another. So I say: Stop playing politics. I say that to the other side of the aisle because they are going to block this next cloture vote. They are going to object to the motion asking consent to pass the alternative minimum tax, unpaid for.

I say: Stop the games. Let's get on with it. Let's help do something for the American people. Let's move to proceed to the House bill, stop this tax monster.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the chairman of the Finance Committee outlining the problems with the AMT. I agree 100 percent with his statement relative to the problems with the AMT. He is absolutely accurate. It was a concept passed with the consequences being—with the known consequences being—to make sure people who had high incomes would pay a fair share of taxes.

It turns out it was drafted poorly, it was not indexed for inflation. As a result, we have literally millions of people who are paying this tax who should not have to pay this tax, and therefore it should be repealed. Actually, it should be repealed permanently. There is no reason for us to even go 1 year. We should do the whole thing, get it done.

But this bill which is being brought forward on which cloture is being filed in order to proceed to it is a very bad approach. Because basically what this bill is saying is a tax which was never intended to be in place, people who were never supposed to pay this tax and, therefore, to correct it is not giving them a tax cut, it is simply saying: You are going to be taxed the way we expected you to be taxed. Or to put it another way: If the alternative minimum tax goes forward, people are going to pay a tax they should not have to pay because it was never perceived they would have to pay it.

A bill which should accomplish that, which should give those people relief, is being coupled with tax increases on people who should not have to pay new taxes to correct the alternative minimum tax problem.

It is also being coupled with a bill which has some bad policy in it. For example, this bill will stop, stop the IRS from proceeding with investigations and action, potential action, against people who are using the Virgin Islands as a tax shelter. There are 279 investigations going forward right now relative to Americans who have basically created a shell lifestyle in the Virgin Islands so they can avoid taxes in the United States, which they probably owe.

It is estimated there may be as much as $370 million of taxes owed to the United States by those high-income individuals. What does this bill do that came to us from the House? It says: We are going to stop that. We can no longer investigate those people. The IRS can no longer continue to proceed with an action against those people who are basically trying to escape American tax law.

It also, this bill, includes in it a tax deduction for State legislators during periods when they are not in session. How about a little gift to our friends in the State legislature maybe in New York. So that if the New York legislator does not even go to Albany, they are still able to deduct their per-diem expense.

That is called porkbarrel tax policy, I suspect. Those are terrible policies. But the larger policy which is bad, which is in the bill before us, is we are essentially going to hit partnerships and individuals with something called a carried interest tax, the practical effect of which will be that people who are involved in the financial business of this world—in the United States, not the world, people who are involved in the financial business in this country—and I know there is not a lot of sympathy for those folks because they make a lot of money. We would all like to make a lot of money like that. But these folks are essentially the engine of a large part of our economy. They are the ones who are creating the capital which is then invested in the businesses. They are the entrepreneurs who then create jobs. Jobs do not appear from thin air. They do not. They appear because someone out there is a creative individual who says: I have an idea. I am going to start this little company. I am going to start this little restaurant. I am going to start this little business.

They build it, and then they get to a certain point where they need more money in order to expand it to create more jobs. Where do they get the more money? It does not appear from thin air. It appears from the fact that we have financial markets, the most viable capital markets in the world where people can raise money. They go into the market, and they say to the people who are the professionals: We need X amount of dollars in order to expand our business so we can create more jobs in New Jersey or in New Hampshire or in Montana or in Texas. We are coming to you to help us raise capital.

Those folks go out and they raise the capital. They invest it in those businesses and those businesses create jobs, those entrepreneurs create jobs. What this bill says is: Those people who are in those financial markets will receive a brandnew tax on what they consider to be the way they raise money and create wealth for Americans by creating jobs, in what they consider to be a fair way to do it, which under the tax law today they are not taxed for it. It is a brandnew tax. What is the practical implication of putting this new tax in place in order to pay for the elimination of a 1-year kicking down the road of the alternative minimum tax expansion? Which should be done.

The practical implication of doing it by raising taxes in this way is that, first, people who should have not paid taxes under the AMT will not have to pay their taxes. That is good. We should not have counted that revenue anyway.

But, second, you are going to put in place a new tax system which would drive those people who create that financial incentive, which creates jobs, which gives business people and small entrepreneurs in this country the revenue and capital they need to create jobs, you will drive them overseas. We will be exporting jobs again because we are in global competition in the area of capital.

One of our biggest problems in this country today is a lot of the capital that is being formed in this world today, which used to be done in New York, where if you wanted to raise capital in this world, you used to come to New York. Unfortunately, it is a world competition, and now places such as London are competing with us, and they are being very effective in their competition.

One of the reasons they are able to compete with us effectively is we have put a lot of restrictions on our people which have been maybe a little bit over the top and, more importantly, we have a tax policy which has not been constructive, which has not encouraged people to stay here. It encourages them to go overseas.

The effect of this proposal will be to even aggravate that further. We will be exporting more jobs. More importantly, not only will we be exporting the job of the person in the financial market, we will be exporting the creation of the capital. That is serious. Because that capital is the feed corn for the expansion of our economy.

You should not be raising taxes at this time. That is another point that should be made—this alternative minimum tax proposal which comes to us from the House raises taxes. That is pure and simple. We are headed into potentially an economic slowdown. That is the way it looks. Because of the subprime crisis, because of the capital market crisis, we are heading into some sort of a slowdown. Hopefully, it will not be severe, but it could be difficult. There is no question about that.

To raise taxes in the face of that type of a slowdown is the absolute opposite of what any reasonable person who has experienced any economic slowdown would do. In fact, recently I was interested to read what Robert Reich, who was Secretary of Labor under the Clinton administration and who is readily acknowledged as being a liberal economist, and a very talented one by the way, he went to Dartmouth, so I know he is talented.

Robert Reich said: A tax increase at this time would be foolish. What we should be talking about is a tax cut.

Actually, what we should be talking about, and what we on our side would like to do, quite honestly, is put in place an alternative minimum tax fix which is permanent. That has been proposed by a number of us on our side.

Let's correct this problem so we do not have to deal with it this year, next year, or the year after. That is the first thing we should do. Short of that, we should put one in that is a little bit longer, at least, so there is some predictability in the tax law.

But under no circumstances should we put in place an AMT fix which is coupled with a tax increase or which is coupled with terrible policies such as this Virgin Island loophole and this State legislator loophole that was put in this bill. That is why we resist this approach.

The Republican leader came to the floor a couple days ago and suggested three or four different avenues where we could correct this problem. They were all fairly reasonable. I don't know why they were rejected by the other side of the aisle. My sense is that we should be able to work this out because I honestly believe, when I listen to the chairman of the committee, that there is not that much difference between where he wants to go and where our side would like to end up, which is let's straighten out the AMT. Let's put all this additional tax policy and these tax increases which have come from the House aside. Let's say: The House got off on the wrong track. Let's just take this approach of doing AMT and do AMT and fix that, and then, if the House wants to come back with a tax increase bill, we will fight that out on a separate agenda.

We can't on our side support a bill and vote for cloture on a bill which would mean we would be shut off from a lot of our amendments, vote in a way which would basically put us in a position which would potentially lead to a tax increase in order to correct what is an underlying important problem. Obviously, this is a motion to proceed, so we might not be shut off from amendments, but I suspect the motion to proceed will be followed very closely by the filing of cloture on the underlying bill.

I am not too concerned about the fact that we would not be allowed our approach. If the position of the other side of the aisle is, we are willing to give you your votes, let's set that up right now. Let's take the Republican leader's position, set up three or four votes in tandem, make them all 60-vote hurdles, if that is what it requires—and that is what it will require because pay-go is going to get waived on every one of them—and vote on them—bang, bang, bang, bang, bang. Let's not go through this exercise on cloture. We want to correct the AMT problem. We think it should be corrected. We don't think the way to correct it is to raise taxes on the productive side of the American agenda and potentially throw us into a further slowdown of the economy or force people to go overseas in order to raise capital or, alternatively, put in place policies which basically make the Virgin Islands a safe haven for people who want to avoid American taxes or give State legislators the opportunity to claim a per diem deduction when they are not even going to work.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I listened carefully to the Senator from New Hampshire. I say to my friend, frankly, I would not have written the House bill in the way it was written. I don't agree with everything in the House bill. In fact, I think there are some measures there that probably should be addressed and amended. I also think, though, that we need to get to the House-passed bill so we can fix the AMT. We can't fix the AMT until we get to that bill. Once we get to that bill, any Senator, irrespective of whether cloture has been filed, can always file a motion to strike. So if there are measures in the House bill that the Senator does not like or the Senator from Texas doesn't like or anybody doesn't like, that motion to strike is available.

If we get to the House bill, I am going to offer a compromise which I think the vast majority of the Members of this body will accept. We need to get to the bill. We need to vote cloture and get to the bill so we can cure this AMT problem, offer amendments that Senators might find objectionable to the House bill. At the same time, I am going to offer a compromise proposal which I believe will dispose of it. I urge my friends on the other side to let us get on the bill. Then we can vote to strike. We can vote on this compromise proposal I will offer.

I mentioned that there are various versions we could vote on. One is just straight AMT unpaid for, period. That is an option. To get there, we need to get to the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, because I don't think this is inconsistent with what the Senator from Montana, chairman of the Finance Committee, has asked for, I renew the Republican leader's request from yesterday.

I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed to consideration of H.R. 3996, the House-passed AMT bill, and it be considered under the following limitations: there be 1 hour of debate on the bill equally divided between the two leaders or their designees, followed by a vote on the motion to invoke cloture on the bill; provided further that if cloture is not invoked, then the only amendments in order to the bill be the following offered in the following order: a substitute amendment to be offered by Senator MCCONNELL or his designee which is to be an offset AMT extension and an unoffset extenders package, a Baucus or designee first-degree amendment to the McConnell substitute which is to be a set of offsets for the extender package, a Sessions amendment related to AMT and exemptions, an Ensign amendment which is an AMT repeal and extends other expiring provisions, and a DeMint amendment which relates to the AMT and flat tax; provided further that there be an additional 2 hours of debate on the bill equally divided between the two leaders or their designees; that there be a time limitation of 2 hours for debate on each amendment equally divided in the usual form; provided that each amendment require 60 votes in the affirmative for adoption and that each amendment that does not receive 60 votes then be withdrawn.

I further ask that notwithstanding the adoption of any substitute amendment, the other amendments be in order; and finally, that following consideration of the above amendments, 60 votes be required for passage of the bill, as amended, if amended.

This outlines a procedure to accomplish what I believe the Senator from Montana requested because it does have his first degree. There are three other amendments in there, but they are all subject to 60 votes—the Sessions, Ensign, and DeMint. If they fail, they fail. One presumes that, depending on the position of the Senator from Montana, since he controls more than 40 votes on his side, that would happen and that we would then proceed in this way.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I remind all of us, we are here to solve a very imminent problem; that is, the alternative minimum tax. The IRS is having fits, frankly, because they are unable to send out the right returns, programs, and so forth, to help the American public avoid this AMT for 2007. The other provisions listed in that consent have nothing to do with the alternative minimum tax. One is the Bush tax cuts. They don't expire until 2010. We are talking about 2007, right now, this month. Then there is the flat tax. That has nothing to do with the alternative minimum tax. That is a whole other issue that has nothing to do with what we are trying to accomplish today. I urge Senators to keep their eye on the ball. Let's get the AMT patch passed. That is what we are talking about.

I must, on behalf of the majority leader, object. I can't agree to a procedure on the floor without the presence of the majority leader. I just point out the pitfalls of that request which prevent us from getting to a real problem, and that is solving the AMT for the tax year 2007.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I appreciate the objection of the Senator from

Montana. I understand he believes the suggestion he is proposing is the right way to proceed. I would note that this subjects everything to a time limit. Yes, the flat tax is going to be debated for 2 hours, and, no, it is not going to get 60 votes, so it will not be in the final package. Yes, the Ensign proposal, which is essentially a repeal of the AMT and also extends the cap gains dividend rates—I believe that is the proposal—would be brought forward. It would be debated for 2 hours, and then we would move on. I actually hope that one might pass.

In any event, this sets out a pretty tight timeframe. If you take all the factors here, we could finish this by sometime around 7 o'clock tonight, assuming everybody wants to talk for 2 hours, which they probably wouldn't, and be done. We would get it done, get the AMT straightened out, and have done some good work around here. I suspect—though I won't guarantee this—the final resolution of this proposal, which Senator MCCONNELL made yesterday, would be closer to what the Senator from Montana wants than the bill he is suggesting we vote cloture on relative to proceeding.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, may I inquire of the Chair how much time remains on this side of the aisle?

The PRESIDING OFFICER. Four minutes 25 seconds, and for Senator BAUCUS, 8 minutes 12 seconds.

Mr. CORNYN. Mr. President, I ask unanimous consent for 2 minutes for myself and then the remainder of our time to the Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I am not without sympathy for the position argued by the distinguished chairman of the Finance Committee. I think the list of horribles he has recounted by the fact that the AMT is not indexed and will cover up to roughly, I believe the figure is now, 23 million taxpayers unless we act—I am not without sympathy for what he is trying to do here. But the problem is, we are not going to agree on this side to raise taxes against the American people in order to pay for a tax cut for others. It is simply that clear. We are not going to agree to raising taxes, particularly at a fragile time for the economy, by what some have estimated would be $80 billion a year.

I believe three simple principles will help us find a solution. One is that we ought to protect the middle class from the rise of the AMT which President Clinton vetoed a full repeal of in 1999. I wish he had not done that then. That would have protected us from where we are today. We ought to pass the expiring tax provisions, the so-called tax extenders for capital gains and dividend rates and other tax relief which have contributed to 50 months of continuous and uninterrupted job growth since tax extenders relief was passed in 2003. We ought to do both without raising taxes on the American people.

Unfortunately, we know a tax increase is like throwing a wet blanket on the American economy. The AMT, if we don't act, will hit about 870,000 of my constituents, up from 150,000 now. It sounds to me as if the distinguished chairman of the Finance Committee is sympathetic to the direction we would like to move that this bill, unfortunately, does not represent. But as long as we are presented with a choice of cutting the AMT by raising taxes, I don't believe we are going to see any progress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, the AMT was initially designed to catch about 155 people who were not paying taxes but were immensely wealthy and getting all kinds of income every year. Today, there are 4 million people who are paying the AMT. If we don't do something about it, there will be 25 million tomorrow. To be honest with you, because we have delayed so long, we are going to be in a bind as far as even getting the software done, the paperwork done, the IRS work done to be able to give people their refunds this next year because of the delay we have had. I respect the distinguished chairman of the committee. It has been a very difficult committee to manage, and he has done as well as anybody I can imagine.

We need to fix the alternative minimum tax, the AMT. There is no argument in this chamber about that. If we fail to act, 25 million Americans might have to write checks to Uncle Sam for thousands of dollars.

So we agree on fixing the AMT.

But the devil is in the details, and I cannot support a plan that prevents a tax increase on millions of Americans by raising taxes on others.

Congress never anticipated having anywhere near this level of AMT revenues to begin with, so we should not be raising taxes permanently to make up for that phantom lost revenue.

We are well past time for serious action on the AMT.

Almost 3 weeks ago, I came to the floor to discuss the financial and political ramifications of Congress' failure to fix the AMT.

We had a crisis then.

It is worsening by the day.

Even if we were to patch the AMT today, the American people will suffer from our inaction.

We have known that the AMT train was coming down the tracks all year.

This failure to act is setting new standards for ineptitude.

Three weeks ago, the failure to patch the AMT was merely creating uncertainty for millions of Americans who would be subject to it if we dropped the ball.

Three weeks later, these poor folks are barely the half of it.

Now billions of dollars in tax refunds risk being delayed because of inaction.

On November 26—11 days ago the chairman of the IRS Oversight Board sent a letter to the chairman and ranking member of the Senate Finance Committee.

His grim assessment of the situation is worth our review.

The filing season is expected to start on January 14, but that date is now in jeopardy.

IRS computer programs are set to process tax returns under current law.

The IRS cannot flip a switch and process millions of tax returns in January, when Congress changes the law on Christmas Eve.

According to the IRS Oversight Board, the IRS would be able to start processing tax returns within 7 weeks of the enactment of an AMT patch.

So if we were to enact an AMT patch today, tax filing season would start almost 2 weeks late.

That delay would lead to 6.7 million delayed tax returns and $17 billion in delayed refunds.

What if we delayed the start of tax season 1 more week?

Then we are looking at 15.5 million delayed tax returns and $39 billion in delayed refunds.

Push it back another 2 weeks—37.7 million delayed tax returns and $87 billion in refunds delayed.

Many Americans actually look forward to getting their W–2 in the mail. Their employer withholds too much money from their paycheck every year, and the W–2 allows them to file a return and get that money back.

And now with electronic filing, Americans are able to get those refunds even more quickly.

Utahns depend on their refunds.

They count on their refunds.

Undermining that confidence is much worse than a lump of coal in a stocking.

We are now in the Christmas season.

I am sure that the movie ''Christmas Vacation'' will be on television soon.

That movie contains a lesson that we should all heed.

In that movie, Clark Griswold, assumes he is going to get his annual Christmas bonus.

That Christmas bonus is as reliable as a weekly paycheck.

And when that bonus did not come, he—flat—out—went—nuts.

The political philosophy of Clark Griswold is one that I would commend to my colleagues.

It is one shared by the American people. If you mess with my family's financial security, you better watch out.

The Senate's failure to patch the AMT in a timely fashion is going to delay millions of tax refunds, and we should not be surprised when the American people—like Clark Griswold—go nuts.

Right now, Americans are likely making decisions about the Christmas

gifts they are going to buy, at least partially, based on their tax refund.

They assume they are getting that tax refund.

And they assume they are getting it on time.

Further delay is no longer acceptable.

Yesterday on the floor, Republicans were blamed for holding up passage of an AMT patch.

That is funny.

When Republicans were in the majority, we managed to pass an AMT patch early in the year, no later than May 11.

We did it without permanent tax hikes to pay for 1-year AMT fixes.

We did it without including special interest giveaways, and we did it without delaying tax refunds.

Democrats did tell us yesterday on the floor that they are the party of change.

On the AMT at least, they seem to be succeeding.

To fix the AMT they propose raising taxes.

To pass important tax extenders they are raising taxes.

And their efforts have now jeopardized the tax filing season and refunds for the hard working Americans who depend on them.

When times change, they sure do change.

We are about to have a vote on the AMT.

I support AMT relief. I support AMT repeal.

But I will not support this fake tax relief.

I am not the only one. The Democrats' plan to fix the AMT with permanent tax increases ought to fail.

And for good reason.

We should not be paying for temporary tax cuts with permanent tax increases, nor should we be putting the economy at risk by passing unnecessary tax hikes.

When this episode is over, we need to get down to the real business of fixing this AMT so we can get Americans the tax refunds they expect and the tax relief they deserve.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I just want to make the fundamental point that if we don't act, we will be raising taxes on 19 million Americans. We have to act to prevent a tax increase from going into place. We on our side ask to vote for cloture so as to get to the bill which accomplishes that result of preventing 19 million Americans from paying greater income taxes. We have to get to the bill so we can pass that legislation. It can always be amended by any Senator who has a problem with other provisions that might be in this bill. I respect that. In fact, I would agree with some of those amendments, I am quite certain, and motions to strike are always available.

We need to get to the bill so we can prevent a tax increase on 19 million Americans, called the alternative minimum tax, from going into effect. To the degree to which the other side prevents us from getting to the bill, that indicates to me they want to increase taxes on those 19 million Americans. I hope that is not true, but their actions indicate that it is true. Unless they totally change and say, yes, we should get to the bill to fix this AMT problem, I have to conclude they want to increase taxes on those 19 million Americans.

I see no other Senators who wish to speak, so I note the absence of a quorum, and I ask unanimous consent that the time be equally divided on both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, before we cast our votes this morning, Americans should know exactly what we are voting on. This is not a vote on fixing the AMT; this is a vote to raise taxes. Every year for the last 4 years, Republicans in Congress have found a way, usually by May of the year in question, to correct a glitch in the Tax Code that threatens to affect more and more families each year.

This is a middle-class tax that was never meant to be. It was created to make sure 155 super-rich individuals couldn't avoid paying taxes. But because the people who wrote it didn't account for inflation, it now threatens 25 million middle-class families.

Republicans have always found a way to deal with this problem with the tax laws, and we did it without raising taxes. But the majority that now controls Congress has a different view. They don't want to protect the 25 million Americans who get hit by this glitch over the next few months, unless Republicans agree to raise taxes on other Americans in the process.

Let me say that again. What we are talking about here is extending current tax law, which normally we have done, and adding a new condition to that, saying we are only going to extend this tax break if we raise taxes on a whole lot of other Americans. Now, Republicans will respond to this proposal in the same way we have responded to it publicly and privately all year: No deal. No tax hike.

Democrats thought they could force us into accepting this proposal by waiting until the last days of the session to call a vote, but they were wrong. What they have forced instead is a crisis. Unless they fix this glitch, millions of Americans—including more than 3 million in New York, 98,000 in Nevada, and 819,000 in Illinois—will get a big surprise when they sit down to do their taxes over the next few months. Millions more will face delays in getting the tax refund checks they count on every year.

The majority needs to find a way to fix this problem before it gets even worse. We have been warning them about it all year long. The senior Republican on the Finance Committee reminded us yesterday that he has spoken on the Senate floor on this issue no fewer than 12 times since last January. Senator GRASSLEY has spoken on this issue no fewer than 12 times since last January. The Treasury Secretary sent us urgent letters. The IRS sent us urgent letters. There is really no excuse for the delay.

This is a problem we can solve. We have shown the Democrats how. We don't need the majority leader to do a backflip off the Secretary's chair, as he suggested yesterday. We want him to give us a fix that does not raise taxes, that is fair, that is simple. This will work, and this will not put the majority leader or anyone else at risk of any physical harm.

So far, the majority has refused our offer. So here we are, about to vote on a massive tax hike that we know would not pass the Senate—and which we know the President wouldn't even sign if it did pass the Senate—instead of doing our job and fixing this middle-class tax hike.

With all due respect, this is no way to legislate. Let me be very clear to my colleagues across the aisle: Republicans will not raise taxes—will not raise taxes—in exchange for blocking a tax that was never meant to be. Our position has never been a secret. The Democrats have known it all year.

I will vote against this massive tax hike, and I urge all of our colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, during the Clinton years we did some good things for this country, and when the history books are written, one of the things that will be paramount in those accounts will be what President Clinton did, with his allies in Congress, to turn the country around economically. During the Clinton years, we were paying down the debt by half a trillion dollars. We were spending less money than we were taking in. We can all look back to those days when Alan Greenspan told us in committees assembled that we should cut back. We were paying down the debt too quickly.

When President Bush took office, there was a $7 trillion surplus over 10 years. With all of the things that he has done to bankrupt this country, we are now in debt of some $10 trillion.

The bill we have before us is a bill that says this tax needs to be patched, but it should be paid for.

That is what we did in the Clinton years. That is what we did in our budget that we passed here. Mr. President, we passed the first budget in this Senate in 3 years—our modest majority—by one vote, because Tim Johnson was

sick. We passed again, following the Clinton example, a balanced budget where we said we believed if we are going to have new programs, they should be paid for. It is called pay-go. We said if there are going to be cuts in taxes, they should be paid for.

The Speaker followed this, and we now have a bill from the House that takes care of the patch, but it pays for it. Isn't that what the American people want? Isn't that the example we should set for them—that if we spend some money, we have to make provisions to pay for it? If you have a home and you suddenly decide you need something, such as a new refrigerator, and your credit card is at its maximum, then you cannot buy that refrigerator. There has to be some ability in this Congress to treat this body just as a family treats its own budget.

The wailing and crying we are hearing here is that they ''find it offensive''—those were the words of my distinguished Republican colleague, Senator MCCONNELL, yesterday—to have to pay for these tax cuts. Well, I hope everyone understands that we are trying to do what is right, that we are trying to have the Government of the United States not be one that is buried in red ink all of the time.

This is a $50 billion patch. Should it not be paid for? The answer is, obviously, yes. I hope everybody votes for cloture on this most important piece of legislation.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 487, H.R. 3996, the AMT tax bill.

Harry Reid, Dick Durbin, Patty Murray, Max Baucus, Jay Rockefeller, Patrick Leahy, Daniel K. Inouye, Herb Kohl, Benjamin L. Cardin, Jeff Bingaman, Ted Kennedy, Carl Levin, B.A. Mikulski, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3996, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 48, as follows:

[Rollcall Vote No. 414 Leg.]

YEAS—46

Akaka	Harkin	Murray
Baucus	Inouye	Nelson (FL)
Bayh	Johnson	Nelson (NE)
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Webb
Dorgan	Lincoln	Whitehouse
Durbin	McCaskill	Wyden
Feingold	Menendez	
Feinstein	Mikulski	

NAYS—48

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Reid
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Warner

NOT VOTING—6

Biden	Dodd	Obama
Clinton	McCain	Voinovich

The PRESIDING OFFICER (Mr. CARDIN). On this vote, the yeas are 46, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the cloture vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

CONGRATULATIONS TO NEW REPUBLICAN LEADERS

Mr. REID. Mr. President, I have a unanimous consent request I am going to enter in just a minute, but I would like to say that I extend my congratulations to LAMAR ALEXANDER in his recent victory to be part of the Republican leadership. I respect and admire him. He will do a wonderful job.

I also extend my appreciation to Mr. JON KYL, a Senator from Arizona, a neighboring State of Nevada's, who is going to replace TRENT LOTT. I have expressed to Senator KYL personally—I haven't had that opportunity with Senator ALEXANDER because we didn't know how that vote would turn out, but I expressed to Senator KYL my admiration and respect for him. I know he will do a good job for the State of Arizona, the country, and the Senate, and I look forward to working with both of them.

As we often do on the Senate floor, as Senator KYL knows—before coming here he was a distinguished lawyer, and I spent a lot of time in the courtroom myself—it is totally appropriate that we on the Senate floor advocate for our constituency, for our party, and for individual Senators in the best way we know how. But it is also very important that we maintain cordial relationships.

As we learned in our court experiences, no matter how difficult the case might be, no matter how tense it might be arguing to a jury or to a judge, when that courtroom is adjourned, the attorneys walk out, shake hands, go have a sandwich, have a drink, and go on and prepare for the next case. And that is what I say to my friends, LAMAR ALEXANDER and JON KYL. We are going to have some debates on the Senate floor. That is what the Senate is all about. Some say it is the greatest debating organization in the history of the world. I don't know whether that is the case, but I have been involved in a few debates and a few tense times on the floor, but I always try—and I haven't always been totally successful at this—to put my emotions aside and walk off the Senate floor and try to be friends with those I was advocating against.

So I say to these two fine Senators from the States of Tennessee and Arizona, I wish them the very best in their new duties.

UNANIMOUS-CONSENT REQUEST—H.R. 3996

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of the House AMT bill, H.R. 3996; that all after the enacting clause be stricken, and the text of Senator BAUCUS's amendment, No. 3804, providing for a 1-year unpaid patch for AMT extension be substituted in lieu thereof; the bill be read a third time and passed and the motion to reconsider be laid upon the table.

So for everyone here, Mr. President, in nonlegal words, what I have asked for is that we proceed in spite of how I would rather we do this, that we proceed to vote for AMT, a 1-year patch that is not paid for. I have already given a speech prior to the vote on the motion to invoke cloture how wrong I think this is, but I also understand how important it is we have the patch. This patch would affect people who make from $75,000 to $500,000 a year, the average tax of some $2,000. This tax was not meant to cover those people and, therefore, we should do the patch. I would rather it were paid for.

So I am asking unanimous consent that we be allowed to vote on this by simply accepting this. There wouldn't need to be a vote; no debate. If we get no objections to this, then the AMT would be patched for 1 year, and we would send it on to the House for their concurrence.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, I suspect at a later time this will, hopefully, be worked out—hopefully sooner rather than later—but at this time I am going to have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I would simply say to my friend, I hope that is the case. I hope we can move to this. I am a little suspect because we have been trying to work something out for quite a long time now. I will renew this request sometime later today, and I hope we can accomplish what we need to get accomplished.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think most of us are a little distressed that the other side is objecting to a request which is a huge concession on the part of this Senator, as well as most of the Senators on this side of the aisle, and that would be helping the other side, and that is that we are agreeing to pass AMT not paid for. Why? Because we need to get the AMT patch fixed. We don't want the American taxpayers to have to pay additional taxes under the alternative minimum. We want to get this fixed right away.

It is also important to remind us that time is of the essence because the IRS has to get out the correct forms. The computer programs have to be written properly. So I very much hope that very quickly the other side will no longer object and we can get this passed.

Mr. President, this reminds me of an old joke, and the joke goes like this: There was a big flood, and a man of faith heard about it on the radio. But he did not flee to higher ground. He said: No, I'll put my trust in God. I am not going to flee to higher ground, even though there is this big flood, which I heard about on the radio. I'll put my trust in God.

Well, the waters surrounded the man's home. And as he was standing on his front porch, a boat came up and the skipper said: Jump in, I'll take you to safety. And the man said: No, I'm going to put my trust in God.

Well, the boat went away, and the water rose up to the roof. So the man stood on the roof, and a helicopter came and dropped a ladder, and the pilot yelled down: Climb up the ladder, I'll save you. But the man, said: No, I'm going to stay. I'll put my trust in God.

So the helicopter flew away, and the water continued to rise, and the man drowned. The man went to Heaven, and God asked him: What are you doing here? The man said: I put my trust in you, and you let me down.

Well, God said: What do you mean I let you down? I sent you a message, I sent you a boat, I sent you a helicopter. I tried to save you three times.

I think that is what the Republican caucus has done to the AMT. The House passed a bill to prevent the AMT from hitting 19 million more taxpayers, but the Republican caucus said, no, we will wait for our own legislation. The majority leader asked unanimous consent to consider a compromise amendment that did not pay for the AMT but just paid for the extenders. The Republican caucus said, no, we will wait for our own legislation. And now the majority leader has once again asked consent to allow us to consider an amendment that does nothing but prevent new taxpayers from being hit by the AMT, and once again the Republican caucus said, no, we will wait for our own legislation.

Mr. President, at this point I want everyone to know if the AMT hits more taxpayers next year, it is not because of the House of Representatives. If the AMT hits more taxpayers next year, it is not because of the majority leader. If the AMT hits more taxpayers next year, it is not because of the Democratic caucus. If the AMT hits more taxpayers next year, it is because of the Republican caucus. That is clear. They cannot take yes for an answer.

We are trying to set it up so we can vote on a unanimous consent request to fix the AMT, unpaid for, and get it done now, but the Republican caucus says, no. They cannot take yes for an answer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business for debate only; that Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I would hope that everyone understands we have a lot of balls in the air, and we are trying to grab a few of them to see if in the next few days we can work through some of them.

We have AMT, which hasn't been completed. The farm bill and spending bills have to be completed. We have many different bills we are trying to complete. If everyone will be patient and speak to their heart's content, we will try to have something legislatively that we can work on.

The PRESIDING OFFICER. The Senator from Arizona.

NEW LEADERSHIP POSITION

Mr. KYL. Mr. President, I was called off the floor just as the majority leader was saying some very nice things about me. I heard most of them, but I regret I didn't hear them all. I will ask him to repeat them privately. But in any event, it is true we are neighbors and as a result have had an opportunity to work together on a lot of items. It doesn't matter which side of the aisle we are on, we can certainly do that.

I also appreciated the old story about the lawyers who fight for their clients' interest during the day, going at it tooth and nail, but when the day is over they get together. But as I heard the story it wasn't that they got together for a sandwich, I always thought they got together for a drink at the end of the day. But recognizing the majority leader's bent, I appreciate the story, and he certainly has my assurance that I will approach the position, which eventually I will take in a matter of a few days, in that same spirit.

Again, I appreciate the comments he made.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have come to the floor today with my colleague, Senator SMITH.

The PRESIDING OFFICER. Does the Republican leader wish to be recognized?

Mr. MCCONNELL. Let me say to my friend from Oregon that I will not be long, and I appreciate the opportunity to pay tribute to a fallen soldier from my State.

HONORING OUR ARMED FORCES

STAFF SERGEANT JOE L. DUNIGAN, JR.

Mr. MCCONNELL. The Commonwealth of Kentucky is mourning today because of the loss of one of our finest soldiers, and I am speaking of SSG Joe L. Dunigan, Jr., of Benton. He was 37 years old.

Staff Sergeant Dunigan's assignment was guarding a convoy of U.S. marines near Fallujah in Iraq when on March 11, 2004, an explosive device, set by terrorists, detonated near his humvee, tragically taking his life.

For the valor and bravery he displayed over two decades of service, the U.S. Army honored Staff Sergeant Dunigan with numerous medals and awards, including the Bronze Star, the Purple Heart, and the Meritorious Service Medal.

Staff Sergeant Dunigan, who will always be remembered by his family as Joey, wore his country's uniform for 20 years because he was proud to serve. Joey ''lived his life the way he served his country—he was gung-ho about everything,'' says his stepfather, Sammie Bryant. And Joey was gung-ho from a very early age.

His family remembers that growing up Joey loved playing army. His favorite toy was GI Joe. In fact, family members often called him GI Joey. As a young boy, he participated in Cub Scouting and was an avid player of baseball and football.

Joey was also musically inclined, playing the trombone in the Marshall County High School Marching Marshals band. He enjoyed watching NASCAR races and was a big fan of

driver Jeff Gordon. In fact, his family remembers fondly the time Joey was able to attend a NASCAR race at the Talladega Superspeedway in Talladega, AL, and he saw Jeff Gordon bring home the checkered flag.

Joey graduated from Marshall County High School in May of 1984, and that August he enlisted in the U.S. Army, a month before his 18th birthday. He told his mother, Dena Bryant, that she should either give her permission for him to enlist at age 17 or he would enlist as soon as he turned 18, but either way, he was enlisting. ''He was very serious about enlisting because he wanted to serve his country,'' says a letter written by Joey's family and sent to me by his mother, Dena. So Dena gave her permission, and Joey became a soldier.

After completing basic training in Fort Benning, GA, Joey deployed to Germany for his first tour of duty. Over the course of his Army career, he would also serve two tours of duty in South Korea and inspire many younger soldiers through his work as an Army recruiter stationed in Nashville.

In September 2003, Joey was deployed to Iraq as a member of the 1st Battalion, 16th Infantry Regiment, 1st Brigade, 1st Infantry Division, based at Fort Riley, KS.

Wherever he served, Joey excelled at earning the respect and admiration of his fellow soldiers. ''He would have made an excellent drill instructor,'' says his stepfather, Sammie. ''When he walked into a room, you could hear him above all the others.''

Family was important to Joey Dunigan. With Joey's guidance, his younger brother, Michael Bryant, followed Joey's example and joined the U.S. Air Force. And at the center of Joey's life were his wife, Misty, and his two sons, Dustin and Jessie.

As an older, more experienced soldier, Joey looked after the younger men serving alongside him. He knew the difficulties of serving far away from family and loved ones. In an email he wrote to his mother, Dena, Joey wrote, ''Please continue to remember me and the guys.''

He shared with his fellow soldiers his sturdy sense of humor, even in the face of hard combat duty. Despite their sadness, family and friends break into smiles when remembering Joey Dunigan. ''He didn't want to have sad moments,'' Dena recalls. ''He didn't like to be serious. He was a gung-ho, vivacious young man. He was happy, bubbly, infectious.''

The day after Staff Sergeant Dunigan's family received the tragic news of his death, an American flag flew at half-staff outside of Dena and Sammie Bryant's home. Joey was buried at the cemetery of his home church in Benton, KY,'' on March 21, 2004.

He will be forever remembered by his wife, Misty; his sons, Dustin and Jessie; his mother and stepfather, Dena and Sammie Bryant; his father, Joe; his sister, Robin Colley; his brother, Michael Bryant; his grandfather, Paul Henson; and many other beloved family members and friends.

I want to leave my colleagues with the words of Joey's family, written in that letter sent to me by his mother that I mentioned earlier. ''Joey is a hero,'' they write. ''He loved God, his family, Marshall County and his country. He was born to and dedicated to protect his country and fellow man.''

I'm glad Mrs. Bryant sent me this letter. It expresses the depths of her son's courage and convictions far better than I can. In return, I want his family to know that the U.S. Senate salutes SSG Joe L. Dunigan Jr.'s service. And his country will always honor his selfless sacrifice.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

DISASTER IN OREGON

Mr. WYDEN. Mr. President, I come to the floor today with my colleague Senator SMITH because many Oregonians are hurting at home today. For 3 days this week our State has been slammed by a storm, the strength of which boggles the mind—hurricane force winds with gusts exceeding 120 miles an hour and almost a foot of rain, raising water levels in some areas by 25 feet in less than 48 hours. Hundreds of our people are now in shelters, tens of thousands are without power and don't have phones.

Thousands of Oregonians have been willing to step forward with incredible acts of courage and generosity. Using helicopters and boats, the Oregon National Guard and the Coast Guard have come through for our folks, rescuing hundreds of people trapped by rising water. Along with activating the National Guard, the Governor has brought every State agency in to help take care of the needs of the displaced, get communications restored, fix the roads, clear the bridges, and begin to assess the extraordinary damage.

We especially today, both of Oregon's Senators, thank the Oregon chapter of the Red Cross, because they immediately moved into the affected areas and opened shelters. They provided meals and they have now been assisting with the cleanup.

The Governor has asked the President to declare a major disaster in our State and all of the Oregon congressional delegation joins the Governor in urging the President to grant this request immediately.

Folks from FEMA, the emergency management agency, have arrived in our State. They are going to begin making formal damage assessments today.

Senator SMITH and I talked to Secretary Chertoff on the phone and we asked for the Department of Homeland Security to pull out all the stops to aid our State immediately. The immediate priority is to get our citizens the help they need to survive during these critical days. Once the full extent of the damage is known, Oregon and Washington, the hard-hit Pacific Northwest, are going to need Federal assistance in recovering from the disaster. This is surely going to entail rebuilding roads and other essential parts of our infrastructure.

Senator SMITH and I are committed this morning to getting the help that is so urgently needed by the people of Oregon. We believe it is critical in terms of timing that this help be made available now so folks can get back on their feet. We intend to pursue a variety of options, including adding emergency funding to future spending bills if that is necessary.

I yield the rest of my time to my colleague Senator SMITH. We believe on Oregon issues there are no partisan questions. Today the people of our State are hurting and both of Oregon's Senators are committed to getting the help that is needed to sustain lives at home, to the Pacific Northwest, and the people of Oregon immediately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, I thank my colleague for being here with me today. Moments ago, we phoned Secretary Chertoff to discuss how we, as Oregon Senators, can best help those of our State who have been devastated by this storm. Both Senator WYDEN and I wish we could be with them now. On Monday, Senator WYDEN and I hosted our sixth annual economic forum in Portland. We rushed to the airport after the event in the midst of this incredible storm to find that our outgoing flight was unable land in such horrendous conditions. We fortunate enough to find another flight to Washington so we could be present for Tuesday's vote.

Again, we would both like to be with the citizens of our State. We are instead using what leverage we have in Washington to ensure the Federal Government responds to the best of its ability. We have called upon the President to declare this event a major disaster and free up Federal resources to begin rebuilding this devastated area.

We would like in particular to commend FEMA and the U.S. Coast Guard. FEMA took a lot of criticism as a result of Hurricane Katrina, but their response in Oregon has been spectacular. We thank them on behalf of all Oregonians.

We also thank the Coast Guard. Within the first 24 hours, the Coast Guard responded to well over 600 emergency calls and was able to save a tremendous number of lives. For this, we thank them.

As I consider our country, our values and the kinds of catastrophes that have beset our country, we understand that we cannot stop Mother Nature. But these catastrophes cannot and will not break the spirit of the American people. I look at the great motto above your desk, sir, E pluribus unum—out of

many, one. I am reminded that when events like this occur, the many show up and become one. They risk their own lives to save others. This is a tremendous act of selflessness and I applaud the heros fighting to save our fellow Oregonians.

I thank our Federal responders, and I urge a disaster declaration as soon as possible. In the Northwest, we have natural disasters ranging from earthquakes to volcanoes. And there are storms that barrel in off the Pacific which can do an unbelievable amount of damage. They cause landslides, tear the roofs off our homes, and swell our rivers to record-breaking levels. Near the town of Tillamook, a river rose literally 20.5 feet within just a few hours, sweeping away livestock, homes, and tragically, unsuspecting residents. But the response from all types of government and nongovernment organizations, including the Red Cross, has been magnificent.

Many church communities are coming to the rescue. Communications have been lost. Amateur radio operators have filled the airwaves, connecting rescuers to those in need of rescue. We thank them and pledge that—as united Oregon Senators—we will do whatever we can for the sake of our State. We thank the Federal Government for their swift response and again urge an immediate disaster declaration to strengthen our ability to heal the psychological and physical wound left by this storm. We will begin to repair the damage that has afflicted so many counties in Oregon.

I assure the people of our State that we in the Federal Government will do our part. We will stay on this job until it is done and until Oregon has fully recovered.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

MEASURE PLACED ON THE CALENDAR—S. 2416

Mr. MENENDEZ. Mr. President, I understand that S. 2416 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2416) to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose.

Mr. MENENDEZ. Mr. President, I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard. The legislation will be placed on the calendar.

The Senator from New Jersey is recognized.

MORTGAGE CRISIS

Mr. MENENDEZ. Mr. President, today I rise on behalf of more than 130,000 New Jersey homeowners who have a subprime mortgage. I rise on behalf of the 7 million American homeowners with a subprime mortgage, and I rise on behalf of the more than 2 million Americans who are or may be facing foreclosure in the coming year. This is a national crisis and certainly the time to respond is now.

Families across this country are having their homes ripped from their grasp, and there is no end in sight. Some have been saying that the storm is over and others have been sitting silently as the black clouds roll by, but the reality is this storm is going to get worse. More families are going to be facing foreclosure, more homes are going to be lost, and more damage is going to be done to our economy unless we act. There is no point in letting an invisible hand guide this destruction. If we have any sense of human compassion, we will help these families.

Many families are in trouble because they got a deal they didn't understand, a loan they couldn't afford, and now their adjustable rate mortgages are resetting. But these families are only the beginning. The storm is only going to get worse. Many of the adjustable rate mortgages that were made in 2006 will explode with higher interest rates sometime in 2008. Another type of adjustable rate mortgages, known as payment option, is set to explode after that.

Already, foreclosure rates have doubled and tripled in many areas. Hundreds of thousands of families are already losing their homes. Over the next year, absent strong action, the wave will build into a mortgage tsunami.

Not only will families lose their homes, often the largest asset they have, but the ripple effects will devastate neighborhoods and the broader economy.

If we do not act now to help those families, the effects will be catastrophic. We can see the storm coming. We know the damage it will cause. So we had better reinforce our levies. In Congress, we should be working to help hundreds of thousands of homeowners modify their mortgages to avoid foreclosure. We should be working to pass a bill that will help homeowners modify their loan, for example, in a bankruptcy proceeding. We must pass, over Republican objections that we have had, legislation to modernize the Federal Housing Administration.

But this is the beginning. Banks and lenders, without the prodding of Congress, should be reaching out to help those troubled homeowners renegotiate their loan terms. This is not a suggestion, this is an expectation. President Bush is announcing today his plan to address this crisis. He has reached an agreement with major mortgage firms to freeze interest rates for 5 years for financially troubled homeowners.

While I applaud the President for taking a step in the right direction, the plan simply does not seem to go far enough. It seems to operate under the assumption we only have to do what is minimally necessary. Depending on the details of this plan, on how they determine who is eligible, many homeowners may be left out in the cold. A strictly narrow approach will keep relief out of reach for many who need it.

I am concerned about the family next in line when they close the door on eligibility. I am concerned about the millions of Americans who cannot pay their bills, and I am concerned President Bush's plan will only help a fraction of the families at risk.

Hard-working families are at a crisis in America, and in a time of crisis they expect strong and bold leadership to help them through. We need to provide that leadership. Congress, the administration, and the industry all have key roles to play to help those families.

But what about the families who have yet to sign that stack of papers to get their future mortgage loan? What about when my son or daughter or yours buys their first home? What about the homeowner who needs to refinance out of an unsustainable mortgage? In order to protect those families, we need to make sure we stop predatory lending before it starts.

As a member of the Senate Banking Committee, I have repeatedly said that in order to prevent the mortgage crisis from happening again, we need to find the root of the problem and fix it. That requires all parties—all parties—to step to the plate and admit where they went wrong.

A ''not me'' attitude will simply not work. Everybody who was responsible must be held accountable. I am proud to be working with Chairman DODD on a bill that will hold all parties accountable.

Now, when I considered what I hoped to see in a final bill, I looked at all of those responsible parties, from the regulators, to the lenders, to the brokers and beyond. But one particular piece concerned me; that is, the secondary market. In order to understand what I am talking about, I think it might help to step back for a moment and walk through the life of a subprime loan.

A consumer decides to seek a loan to purchase a home or refinance an existing mortgage or, more likely, a broker or lender approaches a consumer about a new loan. As soon as the loan settles, the broker gets a commission from both the consumer and the lender.

Now, here is where the secondary market comes in. Within 90 days after that consumer signs those settlement papers, the lender sells the loan to that secondary market, essentially selling the loan to Wall Street. That lender then washes its hands of the loan, but keeps the fees, regardless of what happens later on.

Once in the secondary market, the loan is bundled with thousands of other loans into what we call a mortgage-backed security. This bundle of loans then passes through one or more corporate entities on its way to the trust where it will reside.

The trust is usually a private company with an investing firm. The trust then slices those bundles of loans into different categories called tranches, and investors purchase security interests in the tranches.

The trust is considered the owner of the loan, and the investors are represented by a trustee who acts on behalf of the trust. A servicer, possibly the original lender, possibly another company, services the loan on behalf of the trust, meaning they collect and remit payments, monitor the accounts, and provide monthly reports to the trustees.

Because the servicer is the only one in direct contact with the homeowner, most homeowners think the servicer is actually the owner of their loan. If the home goes into foreclosure, it is the trust that forecloses. But for the homeowner, they may not know who is foreclosing on them.

Even if a homeowner had a predatory loan and has a good argument against foreclosure, if that homeowner cannot identify the owner of the loan and hold them liable, they cannot save their home. That is the life of a loan. It is no wonder it is a process few understand. Essentially, the loan is a hot potato. It gets tossed from the broker to the lender to the trustee. Along the way each one wipes their hands of responsibility after they send the loan on down the chain. When a bad deal is made, each one points the finger at the previous owner.

Well, it is time to stop passing the buck. For me, that buck must stop with Wall Street. We cannot allow Wall Street to purchase loans without scrutinizing the details of that loan. If the trustee had to make sure each loan was a good loan, that it meets specific standards and practices, and the lender had to make sure it was a good loan, the brokers would have to stop making bad loans because they would not be able to sell them if they did.

That is why I support a strong liability standard. If a loan is made illegally or contains illegal terms, the homeowner should be able to sue the owner of their loan. Otherwise, whom do they hold accountable? Their broker and lender could both be long gone. Nearly 100 subprime lenders have gone out of business in the last year alone, and then where does the borrower go for protection? They have to be able to reach the holder of the loan.

Without assignee liability, a subprime bill has no teeth. Yes, of course, we need stronger broker and lender standards, but we also need a standard for Wall Street.

Let me be clear. I am not talking about holding specific investors accountable who act much like shareholders in a public company. They would see a reduction in the value of their stock if the company experienced financial losses but would not be personally responsible for those losses. I am talking about the trusts, the company who owns the loan. That is who must be liable.

This is not a popular provision I am calling for, but I think it is the right thing to do. We are in a crisis in America. It is going to take bold decisions to get the system back on track.

These are not kinks that are going to work themselves out. We have seen that the industry is not going to police itself. Voluntarily changes are needed, but the bottom line is, without accountability, we are not going to see responsible behavior.

As I said at the opening of these remarks, I am standing today for the American homeowner. If we want to prevent a similar problem from happening again in 5 or 10 years' time, our final subprime bill must hold Wall Street accountable.

There are steps we must take today in order to help tomorrow's homeowners. We cannot kick the can down the road. Let's make sure our homeowners get fair, sustainable mortgages and that future homeowners are not caught in a future subprime storm. Enough is enough. It is time for real changes.

I have enjoyed working with Chairman DODD on this issue over the past few months. I look forward, under his leadership, to passing a strong subprime lending bill to help millions of American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

ABANDONED MINE LANDS PROGRAM

Mr. BARRASSO. Mr. President, I rise today in anger, in disbelief, and in disgust over the bureaucratic inner workings of Washington. There is a program called the Abandoned Mine Lands Program. It was created as a Federal-State partnership. The Federal Government collects the money and then it is designed to return half to the States.

Over many years, administrations of both parties have failed to honor the Federal Government's responsibility and commitment to the States and to the tribes. I recently learned the Office of Surface Mining has decided to delay and withhold $600 million in funding owed to the people of Wyoming and to deny hundreds of millions of dollars more owed to States nationwide.

They have used an internal policy memo to manipulate the law. Doing so is nothing short of outrageous. This most recent decision reeks of bureaucratic doublespeak, and it does it to achieve an outcome I believe was predetermined. I cannot attempt to explain their decision or their reasoning because the decision, to me, was already predetermined.

This action represents a sad example of why so many Americans, and why my constituents back home in Wyoming, have lost faith in Washington. The words of the Washington bureaucrats ring hollow. I am, frankly, amazed, amazed the bureaucrats can take the clear language, the language from this body that says: Payments shall be made in seven equal installments. And then they twist those words into a grant program requiring review and making an application. Their interpretation is inconsistent with the law that was debated by this body last year and signed by the President.

Their interpretation is nothing less than nonsense and obstructive. This summer, 17 days after I was sworn into the Senate, I opposed the nomination of the Director of the Office of Surface Mining in the Energy Committee over this very issue.

I asked specific questions and did not get specific answers. Now this. I take our legislative oversight responsibilities very seriously. I pledge to you, I pledge to the people of Wyoming, and I pledge to the people of the other States and the other tribes to whom Washington owes money that I will explore every avenue, every avenue available, to right this wrong.

Let's be clear: This money is not Washington's money. This money belongs to the States and to the people. It does not belong to Washington. It does certainly not belong to Washington's evasive bureaucracy.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBPRIME MORTGAGE CRISIS

Mr. SCHUMER. Mr. President, for months since the writing has been on the wall about the depth and magnitude of the subprime loan crisis, I have said time and time again that the Bush administration needs to take off its ideological handcuffs and act quickly to prevent millions of families from losing their homes. To the credit of Treasury Secretary Paulson, he seems to have loosened the administration's ideological handcuffs when it comes to the subprime mortgage crisis. But the burning question is whether this administration's plan, announced today, will go far enough in helping families in need, particularly when it is being announced at the exact same time Republicans in Congress are blocking critical commonsense help targeted toward these same borrowers. The President and Secretary Paulson say they are for FHA reform. Yet, a half hour ago, when Senator REID asked for it to come to the floor, Republican colleagues blocked the bill. Has the White House stopped sending memos to the Republicans in the House and the Senate? What is going on here?

While I agree with Secretary Paulson that wide-scale loan modifications are key in helping prevent the foreclosure

crisis, I am hearing that the plan being announced will be limited and targeted to only a limited set of borrowers who are at risk of losing their homes. I am hearing that one of my constituents, Mrs. Diaz from Staten Island, a hospital clerk I met as I talked about this issue back in New York, would not be helped by this plan. She and hundreds of thousands of other hard-working families seeking help are unlikely to qualify for the administration's plan. Over 230,000 Americans will have lost their homes due to foreclosure in the second half of this year alone. Just today, foreclosures reached an alltime high, as did the number of Americans who have fallen behind on their mortgage payments. Many of these are people who could afford their homes if not for the dubious subprime loans they received. We know none of those families will be helped in this plan.

The bottom line with the administration's plan is there are too many families that may be left out and too little disclosure and transparency to ensure families that do qualify are being helped. If, as it has been reported, the plan will exclude subprimes with resets before January 1, 2008, then, according to Joint Economic Committee estimates, the plan will not cover 115,000 homeowners who will be foreclosed this quarter, let alone the additional 300,000 to 400,000 whose subprime resets have taken place in the second half of this year. That is already close to half a million not being helped.

It has also been reported that the payment freeze will cover only borrowers who are current in their payments. By definition, this will exclude many of the borrowers who most need help. They could be a couple of months in arrears. With help, they could solve their problems, work out some kind of refinancing. They are out.

Frankly, I am also concerned about how this plan will be implemented. We have heard for the last 6 months from servicers that they have been modifying many troubled loans, but it turns out this is not exactly the case. What is going to change in their calculus now? Do we have confidence that investors won't line up to bring lawsuits and bring this process to a grinding halt before it even begins?

Even if this plan is sound, the devil will be in the details of its implementation. For that reason, it is imperative that the administration gather and make public data from the mortgage servicers and lenders about what they are doing. We can't simply trust; we must trust but verify.

For a solution to the subprime crisis to be successful, it must be transparent enough that all interested parties, including homeowners, investors, and policymakers, can verify that families are being helped. This is even more true when it comes to this administration which has continually told us that the subprime crisis is being contained. Some key information needs to be provided to the public, including the number of mortgages covered by the freeze, the number and types of modifications offered, the number of loans which are refinanced by FHASecure, and the number of loans foreclosed.

We need to get this right now and make sure we do everything we can to make this rescue effort successful because if we wait 3 months, 6 months, a year, the subprime crisis might overwhelm the economy and plunge us into recession. The Joint Economic Committee which I chair estimated that the spillover from the subprime foreclosure crisis could exceed $100 billion for homeowners, their neighbors, and the local tax base. On top of the subprime foreclosure losses, the continuing housing slump could be a massive blow to the economy. Economists such as Robert Shiller, who recently spoke before our committee, estimate that a 10-percent decline in housing prices could lead to an overall $2.3 trillion economic loss at a time when this country can least afford it. What does that mean for Mrs. Diaz and the millions of other families who have lost their homes on the brink of foreclosure or for their neighbors, because their neighbors are worrying too. When our homes are worth less than they were only a year ago, it is difficult to make mortgage payments each month. But when there isn't much in the bank account to pay high energy and health care bills, people get anxious. Instead of easing American anxiety, Republicans in this body and, for too many months, in this administration have ignored that anxiety. While we have been pushing to help American families, they have been nowhere to be found.

There are things we can do beyond what Secretary Paulson has proposed. Senators BROWN, CASEY, and I, with critical help from Senator MURRAY, got $200 million in the appropriations bill for housing counseling organizations that can provide help. But instead of enthusiastically lining up behind this funding to help homeowners, the administration is threatening to veto this critical funding which could help loan modification efforts like those being pushed by Secretary Paulson. Instead of letting us pass an FHA reform bill that will allow this critical agency to help refinance troubled homeowners, as we speak, Senate Republicans are blocking progress on this proposal for ideological reasons.

Yes, there are some, both in the White House and on the other side of the aisle, who believe in no Government involvement, let the chips fall where they may. That will hurt millions and millions of innocent people. That could lead to a recession. That is not what the American people want.

I say to the President and to my colleagues on the other side of the aisle, take off your ideological handcuffs. Solve this problem that is afflicting America. The American people are not ideologues left or right. They want commonsense, practical solutions to solve this problem. The most frustrating aspect is that we know how to solve this problem in good part, but we are being blocked every step of the way.

Again, Secretary Paulson and the President's announcement is a good first step. For the first time, they are taking off the ideological straitjacket and putting their toe in the water. But now they have to get into the pool. This is not a small problem. This is not something that takes minor and half-baked measures to solve. The American people are waiting. The homeowners on the brink of foreclosure are waiting. But so are their neighbors and so is every business owner in this economy.

I urge my Republican colleagues to take off the blinders, stop blocking assistance to families who will lose their homes unless we act, allow us to pass commonsense measures, and convince this administration not to veto help for American homeowners during this holiday season.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I thank my colleague from New York, Senator SCHUMER, who has been a leader on this issue involving our Nation's crisis involving subprime mortgages. He has made constructive suggestions and was the author, with several colleagues, of an amendment to the Transportation bill that provided some $200 million for housing counselors—important advice and help for families facing foreclosure. I thank him for that leadership and for his remarks.

There has been a lot of talk on both ends of Pennsylvania Avenue about the so-called national mortgage crisis. It is more than a mortgage crisis; it is an economic crisis. This is a crisis for everyone facing foreclosure, for their neighbors who watch the values of their homes decline, for local governments that will see revenues from property taxes diminish, and for every company struggling to finance a business with the banking industry that has contributed to these foreclosures. It is a crisis for all Americans. It is time this administration woke up to that reality.

Over 2 million Americans are about to lose their homes to foreclosure, and 44.5 million Americans who live in their neighborhoods will watch the values of their homes diminish. A home for many families is their most important and valuable asset. Through no fault of their own, many people will see that asset losing value. It will lose value at their expense. They know it.

We also know as well that homeowners living near foreclosed properties may see as much as $5,000 in the values of their home going down. I represent the State of Illinois. In the county of Cook, which is where you find the city of Chicago, we find some 29,000 foreclosures that are looming, and we estimate that some 2 million residences in Cook County will see their value go down as a result. That is

two-thirds of the residences in the county of Cook, one of the largest counties in America.

I went to the West Side of Chicago recently with Alderman Bob Fioretti. We walked through a neighborhood where houses are boarded up because of foreclosure, where auction signs are out in the front yard. Bob told me that many of these same townhouses were selling for $300,000 or more just recently, and now they are on the auction block for around $100,000. What does that mean for the neighbor who spent $300,000 on his home, and now watches an auction of the next-door neighbor's old house, at $100,000? It is bad news. It is bad news for America.

The U.S. Conference of Mayors projects that this crisis will result in 524,000 fewer jobs in America—that is pretty obvious from the housing industry alone—a drop in consumer spending, the loss of billions of dollars in tax revenue, and a slowdown of economic growth in America. This is not a small issue. It is a major issue when it comes to the American economy.

As the chief economist of Moody's Economy.com said yesterday in a hearing I chaired:

> There is a substantial risk that the housing downturn and surging foreclosures will result in a national economic recession.

If what we face is truly an economic crisis, the response from this administration has been totally inadequate. We have convened summits to get the industry to agree that we have a problem. We have suggested refinancing guidelines to ease industry bickering about how to help people refinance. We have pressured the industry to reach out to borrowers early and help them before the families get too deep in debt. They are all positive steps. But Moody's reports that for most loan servicers, only 1 percent of the loans whose interest rates jumped in the first half of this year have been modified to help the homeowners continue to pay for their homes. Nothing beyond that meager industry response has been done by this Government to deal with this reality. That is completely inadequate. Much more needs to be done, and it must be done now.

Compare our situation to what happened in the late 1920s in America, when housing prices in another crisis dropped 30 percent. In 1932, Congress collaborated with the real estate industry to establish the Federal Home Loan Bank system, modeled after the Federal Reserve, to create a special lender of last resort for real estate. A year later, Congress modified bankruptcy law to allow insolvent wage earners to protect themselves from eviction. A year after that, Congress created the Federal Housing Administration which insured mortgages that were reasonable for the borrower by insisting on solid mortgage terms. In 1938, Congress created Fannie Mae, eventually leading to huge securitization of mortgages. Compare that to what we are talking about now: jawboning, some conversations, saying let's hope major parts of the industry decide they want to cooperate. That is not leadership. That is begging.

This list of Government actions taken 75 years ago highlights how little we have done to deal with this current economic crisis. Let me tell my colleagues what we proposed in this Democratic Congress: a bill by Senator DODD, chairman of the Senate Banking Committee, to reform the Federal Housing Administration and make loans available to families who desperately need them; a bill by Senator SCHUMER, chairman of the Joint Economic Committee, allowing Fannie Mae and Freddie Mac to purchase more loans and provide more liquidity in the market; a bill I have introduced, allowing mortgages on primary residences to be modified in bankruptcy court as a last resort so that families don't lose their homes.

FHA. Fannie Mae. Bankruptcy. The Congresses in the late 1920s and the early 1930s understood the magnitude of the challenge and they acted. As for the Congress of this year, some of us get it, but unfortunately, our efforts to pass this legislation have in many instances been stopped by the Republican minority. That is unfortunate. It is a pattern that has emerged in this Congress. The floor of the Senate has been virtually empty this week. We haven't seen Senators come to the floor proposing important legislation to deal with America's economic crisis and to take seriously the economic challenges facing families. No. Once in a while, a Republican Senator comes to the floor to try to stop the business of the Senate. Under the arcane Senate rules, they can do it, and they have done it.

We tried to bring up the alternative minimum tax. It is a tax which is creeping forward and enveloping more and more taxpayers every year. Some 19 million Americans will be hit by this tax, which was never the intention when it was created. We wanted to bring a bill to the floor this morning, a bill to change this and protect those taxpayers. The vote on the bill was 47 to 47. Not one single Republican Senator voted to stop the alternative minimum tax from hitting 19 million Americans. Not one would cross the aisle. Why? There is no reason. No reason was given, other than the fact that time and time again, the Republican minority wants to stop the business of the Senate, whether it is a tax that needs to be reformed or a mortgage crisis that needs to be addressed. Time and time again, the Republicans are using yesterday's tactics of obstruction, yesterday's tactics of creating obstacles, when America wants bipartisan cooperation and compromise. That is why we are here.

The Democrats have a scant majority—51 to 49. Under the Senate rules, there is not a lot we can do. It takes 60 votes for important decisions. The Republicans know it, and they are determined to stop any progress when it comes to solving America's problems. We want change. We want to move forward. They are stuck in the past—yesterday's party using yesterday's tactics. The American people are watching.

Well, let me say that this administration has come forward with a plan dealing with the mortgage issue. It is short-term relief to deal with exploding interest rates for some families. It is good, but not good enough. From the details we received thus far, it has been reported that only 12 percent of subprime borrowers—about 240,000 homeowners—will be eligible for this help. That is unfortunate. Twelve percent. When we have over 2 million—maybe 3 million—Americans facing foreclosure, we are going to only help one out of eight. That is it? That is as good as it can get? I don't accept it. Even fewer may be helped, we may find out eventually. After jumping through all the hoops, we may find that it may be a 10-percent solution for some. Not good enough.

One of the millions of people who will still lose their home even if the Bush plan is adopted is Nettie McGee, who I met a couple of days ago. What a great lady. Nettie McGee is 73 years old. She lives on the south side of Chicago. She worked real hard during her life in a picture frame factory. She retired, and at the age of 65 her dream came true. For the first time in her life, Nettie McGee was able to buy a home. She is so proud of it. She talks about that home. She came to us yesterday in a hearing and told us what it meant to finally have her dream come true. Well, she ran into a problem. It turned out her backyard wasn't on the same tax bill as her home. She got notice in 2005 that the taxes hadn't been paid on the backyard because they were being sent somewhere else. She didn't know it. She was $5,000 in debt to pay her property taxes. This poor lady didn't have it. She was living on Social Security. She saw an ad on TV—we see them all the time—you can get a mortgage; you can refinance. She called the number.

The next thing you know, the next day up pops a fellow who says: Oh, we can answer all your prayers. We are going to provide you $5,000, and we are going to refinance your house. Well, Ms. McGee said she was invited to a closing. Think of how fast this was moving. The following week she went to a closing. She said that in less than 15 minutes they shoved 40 pages in front of her and kept turning the pages and said, keep signing, keep signing, keep signing, and she did. She walked out the door with the money she needed to pay off her taxes. She felt pretty good about it. She went home and started making her payments. Everything was fine until 2 months ago when they called her and said: Incidentally, Ms. McGee, those papers you signed mean you have an adjustable rate mortgage now. It is not a fixed rate mortgage. Instead of paying some 7

percent, you are going to pay 10 percent in interest. That meant that her monthly payments went up $200 a month. A Member of Congress may not miss $200 a month, but Ms. McGee will. The monthly payment which she is now required to make will take all of the money that is sent to her in her Social Security check. She is about to lose that home. After 10 years of living her dream, she is about to lose it. She is one of the victims we are talking about, because of the resetting of an adjustable rate mortgage.

One would hope Ms. McGee is the kind of person to be helped by the administration's suggestion on mortgages, but sadly, she is not. She wouldn't qualify, and that is sad. It tells you that this is a safety net that has too big a hole in it and that a lot of poor people are going to fall through.

I have a plan that will go further than the Bush administration plan. I want to change the bankruptcy laws for about a fourth of the people facing foreclosure who end up in bankruptcy court. I want to give them a chance. If they have enough income, the court can order changing the terms of the mortgage, the interest rate and the principal, no lower than the fair market value of the property as of the time of the bankruptcy, and by renegotiating the terms, the people may be able to stay in their homes.

What happens if the proposal I have made doesn't become law? Well, there will be a real foreclosure. They will have to leave their homes. Their homes will be sold on the market. For the lender, what does it mean when you go through foreclosure? It means $50,000 in debts from the foreclosure process. It also means facing the possibility—the very real possibility—that you are going to lose 20 to 30 percent of the value of the loan in a foreclosure sale.

That is the reality, and I hope we can change it. I hope that what we call a mortgage crisis today will become a crisis we respond to as a nation on a bipartisan basis: Congress and the President helping the American people realize their American dreams, live in their homes, and not see the value of their neighborhoods diminish.

Mr. President, I see Senator BROWNBACK is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. We are in morning business. Without objection, it is so ordered.

STEM CELL RESEARCH

Mr. BROWNBACK. Mr. President, I rise to discuss a recent enormous scientific breakthrough on a topic that has engaged this body for much of the past 8 years. I think this is a day that many of us—I think perhaps all of us—have hoped would take place. I ask unanimous consent to include in the RECORD at the end of my remarks an article that broke lose right around Thanksgiving.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, this article is by Dr. James Thomson, University of Wisconsin. Some may recognize that name. His name has been used on this floor many times during the past 8 years on the issue of embryonic stem cell research. He is the man who discovered human embryonic stem cells about 10 years ago and described them as being what is called pluripotent, which means that an embryonic stem cell could form any other type of cell tissue in the body, whether it is for the eye, brain, bone, or skin. Any type of cell tissue could regenerate on a fast basis, and it was thought that these sorts of pluripotent embryonic stem cells were going to solve a number of our human health problems. Many of my colleagues on both sides of the aisle embraced the news and said this is a fabulous thing and we are going to be able to now cure a number of people from diseases who have had great problems and difficulties, and we want cures for them.

There was an ethical glitch with it in that it took the destruction of a human embryo to get these human embryonic stem cells, and therein ensued a fight that engaged the country and engaged the world about the tension between cures and an ethical recognition of human life and the sacredness of human life. It has been a long debate. I am hopeful that the article I submitted into the RECORD is the bookend on the other end of this debate that was started by Professor Thomson and that, in many respects, I hope is ended by Professor Thompson and his colleagues.

In this article they describe a new type of pluripotent stem cell that is manipulated by man. They call it an induced pluripotent stem cell. This is an elegant and simple process where they take a skin cell from an individual and they reprogram it to be able to act like an embryonic stem cell, or what they call an induced pluripotent stem cell. They then are able to get it to generate more embryonic-like stem cells that are pluripotent and which then can be used to treat diseases or to study diseases, thus removing the need to develop and have a human embryo destroyed, or the origination of the embryonic stem cells, thus removing the problem of not being able to get a genetic match so that we have to go to a cloned embryonic stem cell, or a cloned human to create an embryonic stem cell that matches genetically. You don't have to do that. Get a person's skin cells, reprogram them, back in, pluripotent, to form any type of cell—elegant, simple.

There are still many barriers to go on embryonic-like stem cells anyway because they have had a problem with tumor formation. But on the ethical issue, I am hopeful we are on the other bookend, and it is now over; that we don't need to destroy young human life for cures; that we don't need to destroy them for pluripotent cells; that we can do it much simpler and ethically and that good ethics is good science.

I put a description up here of what Dr. Thomson said on this subject. There was a University of Tokyo professor who came out with an article the same day, using a slightly different or modified technique, to be able to do this in humans. The University of Tokyo professor had done this earlier in mice and now has perfected it in human cells. He came out saying the same thing:

> These induced pluripotent cells described here meet the defining criteria we originally proposed for human ES cells, with the significant exception that the induced pluripotent cells are not derived from embryos.

That was Dr. James Thomson.

I want to speak about this to my colleagues because we have had so many debates on the Senate floor about this topic. I hope my colleagues will research this. A number of people in the scientific field are saying: Great, but let's not stop embryonic stem cell work and destroying embryos for research purposes. Or let's not stop human cloning because it appears now that the only reason to clone a human would be to bring a human to live birth at this point in time, which still has everybody in this body opposed to that type of human cloning.

It is noteworthy that the ''father'' of Dolly the sheep has said he has given up on human cloning to go to this type of technique rather than human cloning to provide these sorts of cures and research.

Mr. President, I also ask unanimous consent to be printed in the RECORD at the end of my comments a Telegraph article from the United Kingdom in which Ian Wilmut announced he is shunning human cloning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BROWNBACK. Mr. President, it is my hope that we can move together in finding cures and developing research that cures humans that is ethical and sound and doesn't destroy young human life.

We have been able to do quite a bit of this already. We recently found there was scientific work done by a Northwestern University professor in developing cures and treatments for type I diabetes using stem cells. Again, this is adult stem cells, which is ethical and moral, no problem with it. The only problem I found with it is that the Northwestern professor was having to do this in Brazil rather than in the United States to get support and funding. He is saying this:

> Though too early to call it a cure, the procedure has enabled the young people, who have type I diabetes, to live insulin-free so

far, some as long as 3 years. The treatment involves stem cell transplants from the patient's own blood.

For parents who are dealing with juvenile diabetes and those difficulties, this is fabulous news in humans. We need more of it, and we need it to take place in the United States and not Brazil. Nothing against Brazil. I am glad for it to take place there, but I want it here for our children. We now have—as I have said previously on the floor—73 different human applications for adult stem cells. We have not been able to come up with any in the embryonic field yet. I think a bigger number—and we will verify this for my colleagues, as it is not verified yet—is somewhere north of 400,000 people who are now being treated with adult or cord blood stem cells in the United States and different places around the world, the majority being U.S. citizens. Of course, we don't have any in the embryonic field because it continues to struggle with tumor formation as an issue. These are wonderful numbers of treatments that we are getting in different human maladies and, hopefully, we can verify that number of 400,000 people being treated with stem cells, getting heart tissue and spinal cord tissue to regenerate, and Parkinson's treatment is coming forward. This is a beautiful set of treatments—all ethical.

I want to look at the budgetary numbers briefly to remind my colleagues where we have invested taxpayer funding in this field. It is my hope that as we look at the numbers—we have an ethical issue on human embryonic stem cell research, and I believe we have crossed over the line. I hope we can continue to look at our funding issues, where we are putting a lot of money, and have put a lot of money, into embryonic stem cell research. We are looking at $140 million in fiscal year 2006 and over half a billion since 2002 in embryonic stem cell research of both human and nonhuman types. We have not cured a single patient yet with that money.

May I submit to my colleagues that with over half a billion dollars, we could be treating and developing these cures in the United States and not in Brazil.

In trying to set aside all of the sharp edges that have now been associated with this debate, and focusing just on patients and treating people, I hope we will say we are all in this for cures, for treating people. So if I could take portions of these funds and put it into treating people and getting more people treated for Parkinson's, congestive heart failure, or diabetes—all the things that we are actually doing in humans today but that need more research in funding—that we would say: OK, you are right. We don't have to go the embryonic stem cell route now. Let's go to where people are getting treated and treat people.

This is about curing people. That is what we have debated and talked about for some period of time, curing people. We have one that is working and one that doesn't. Yet we have invested pretty heavily in this.

I ask my colleagues if there is some way that we could put the swords down and talk about this rationally, stop the fighting and say how do we treat people. I believe that is our objective.

With that, I thank my colleagues for their indulgence in this debate. It will continue to come up. The next issue will be human animal crosses. I advise my colleagues on this, you will see people pushing to cross genetic materials from animals into humans. They are going to say it is going to cure a lot of people. I think it is an enormous ethical boundary that we should not cross at this point in time, with our understanding of life and what it is to be human. I hope before we go that route, we will all get together and say we are going to pause for a while on this one. This is too big for all of us, and we want to think about this for a while—left, right, middle. We have a ways to go to get some cures. We are getting them. We don't need to cross over to that. We can think about that.

I yield the floor.

EXHIBIT 1

INDUCED PLURIPOTENT STEM CELL LINES DERIVED FROM HUMAN SOMATIC CELLS

Somatic cell nuclear transfer allows transacting factors present in the mammalian oocyte to reprogram somatic cell nuclei to an undifferentiated state. Here we show that four factors (OCT4, SOX2, NANOG, and LIN28) are sufficient to reprogram human somatic cells to pluripotent stem cells that exhibit the essential characteristics of embryonic stem cells. These human induced pluripotent stem cells have normal karyotypes, express telomerase activity, express cell surface markers and genes that characterize human ES cells, and maintain the developmental potential to differentiate into advanced derivatives of all three primary germ layers. Such human induced pluripotent cell lines should be useful in the production of new disease models and in drug development as well as application in transplantation medicine once technical limitations (for example, mutation through viral integration) are eliminated.

Mammalian embryogenesis elaborates distinct developmental stages in a strict temporal order. Nonetheless, because development is dictated by epigenetic rather than genetic events, differentiation is, in principle, reversible. The cloning of Dolly demonstrated that nuclei from mammalian differentiated cells can be reprogrammed to an undifferentiated state by trans-acting factors present in the oocyte (1), and this discovery led to a search for factors that could mediate similar reprogramming without somatic cell nuclear transfer. Recently. four transcription factors (Oct4, Sox2, c-myc, and Klf4) were shown to be sufficient to reprogram mouse fibroblasts to undifferentiated, pluripotent stem cells (termed induced pluripotent stem (iPS) cells) (2–5). Reprogramming human cells by defined factors would allow the generation of patient-specific pluripotent cell lines without somatic cell nuclear transfer, but the observation that the expression of c-Myc causes death and differentiation of human ES cells suggests that combinations of factors lacking this gene are required to reprogram human cells (6). Here we demonstrate that OCT4, S0X2, NANOG, and LIN28 are sufficient to reprogram human somatic cells.

Human ES cells can reprogram myeloid precursors through cell fusion (7). To identify candidate reprogramming factors, we compiled a list of genes with enriched expression in human ES cells relative to myeloid precursors, and prioritized the list based on known involvement in the establishment or maintenance of pluripotency (table S1). We then cloned these genes into a lentiviral vector (fig. S1) to screen for combinations of genes that could reprogram the differentiated derivatives of an OCT4 knock-in human ES cell line generated through homologous recombination (8). In this cell line, the expression of neomycin phosphotransferase, which make cells resistant to geneticin, is driven by an endogenous OCT4 promoter, a gene that is highly expressed in pluripotent cells but not in differentiated cells. Thus reprogramming events reactivating the OCT4 promoter can be recovered by geneticin selection. The first combination of 14 genes we selected (table S2) directed reprogramming of adherent cells derived from human ES cell-derived CD45+ hematopoietic cells (7, 9), to geneticin-resistant (OCT4 positive) colonies with an ES cell-morphology (fig. S2A) (10). These geneticin-resistant colonies expressed typical human ES cell-specific cell surface markers (fig. S2B) and formed teratomas when injected into immunocompromised SCID-beige mice (fig. S2C).

By testing subsets of the 14 initial genes. we identified a core set of 4 genes, OCT4, SOX2, NANOG, and LIN28, that were capable of reprogramming human ES cell-derived somatic cells with a mesenchymal phenotype (Fig. 1A and fig. S3). Removal of either OCT4 or SOX2 from the reprogramming mixture eliminated the appearance of geneticin resistant (OCT4 positive) reprogrammed mesenchymal clones (Fig. 1A). NANOG showed a beneficial effect in clone recovery from human ES cell-derived mesenchymal cells but was not required for the initial appearance of such clones (Fig. 1A). These results are consistent with cell fusion-mediated reprogramming experiments, where overexpression of Nanog in mouse ES cells resulted in over a 200-fold increase in reprogramming efficiency (11). The expression of NANOG also improves the cloning efficiency of human ES cells (12). and thus could increase the survival rate of early reprogrammed cells. LIN28 had a consistent but more modest effect on reprogrammed mesenchymal cell clone recovery (Fig. 1A).

We next tested whether OCT4, SOX2, NANOG, and LIN28 are sufficient to reprogram primary, genetically unmodified, diploid human fibroblasts. We initially chose IMR90 fetal fibroblasts because these diploid human cells are being extensively characterized by the ENCODE Consortium (13), are readily available through the American Type Culture Collection (ATCC, Catalog No. CCL–186) and have published DNA fingerprints that allow confirmation of the origin of reprogrammed clones. IMR90 cells also proliferate robustly for more than 20 passages before undergoing senescence but grow slowly in human ES cell culture conditions, a difference that provides a proliferative advantage to reprogrammed clones and aids in their selection by morphological criteria (compact colonies, high nucleus to cytoplasm ratios, and prominent nucleoli) alone (14, 15). IMR90 cells were transduced with a combination of OCT4, SOX2, NANOG, and LIN28. Colonies with a human ES cell morphology (iPS colonies) first became visible after 12 days posttransduction. On day 20, a total of 198 iPS colonies were visible from 0.9 million starting IMR90 cells whereas no iPS colonies were observed in non-

transduced controls. Forty-one iPS colonies were picked, 35 of which were successfully expanded for an additional three weeks. Four clones (iPS(IMR90)1–4) with minimal differentiation were selected for continued expansion and detailed analysis.

Each of the four iPS(IMR90) clones had a typical human ES cell morphology (Fig. 1B) and a normal karyotype at both 6 and 17 weeks of culture (Fig. 2A). Each iPS(IMR90) clone expressed telomerase activity (Fig. 2B) and the human ES cell-specific cell surface antigens SSEA–3, SSEA–4, Tra–1–60 and Tra–1–81 (Fig. 2C) whereas the parental IMR90 cells did not. Microarray analyses of gene expression of the four iPS(IMR90) clones confirmed a similarity to five human ES cell lines (H1, H7, H9, H13 and H14) and a dissimilarity to IMR90 cells (Fig. 3, table S3, and fig. S4). Although there was some variation in gene expression between different iPS(IMR90) clones (fig. S5), the variation was actually less than that between different human ES cell lines (Fig. 3A and table S3). For each of the iPS(IMR90) clones, the expression of the endogenous OCT4 and NANOG was at levels similar to that of human ES cells, but the exogenous expression of these genes varied between clones and between genes (Fig. 3B). For OCT4, some expression from the transgene was detectable in all of the clones, but for NANOG, most of the clones demonstrated minimal exogenous expression, suggesting silencing of the transgene during reprogramming. Analyses of the methylation status of the OCT4 promoter showed differential methylation between human ES cells and IMR90 cells (fig. S6). All four iPS(IMR90) clones exhibited a demethylation pattern similar to that of human ES cells and distinct from the parental IMR90 cells. Both embryoid body (fig. S7) and teratoma formation (Fig. 4) demonstrated that all four of the reprogrammed iPS(IMR90) clones had the developmental potential to give rise to differentiated derivatives of all three primary germ layers. DNA fingerprinting analyses (short tandem repeat-STR) confirmed that these iPS clones were derived from IMR90 cells and confirmed that they were not from the human ES cell lines we have in the laboratory (table S4). The STR analysis published on the ATCC website for IMR90 cells employed the same primer sets and confirms the identity of the IMR90 cells used for these experiments. The iPS(IMR90) clones were passaged at the same ratio (1:6) and frequency (every 5 days) as human ES cells, had doubling times similar to that of the human H1 ES cell line assessed under the same conditions (table S5), and as of this writing, have been in continuous culture for 22 weeks with no observed period of replicative crisis. Starting with an initial 4 wells of a 6-well plate of iPS cells (one clone/well, approximately 1 million cells), after 4 weeks of additional culture, 40 total 10-cm dishes (representing approximately 350 million cells) of the 4 iPS(IMR90) clones were cryopreserved and confirmed to have normal karyotypes.

Since IMR90 cells are of fetal origin, we next examined reprogramming of postnatal fibroblasts. Human newborn foreskin fibroblasts (ATCC, Catalog No. CRL–2097) were transduced with OCT4, SOX2, NANOG, and LIN28. From 0.6 million foreskin fibroblasts, we obtained 57 iPS colonies. No iPS colonies were observed in non-transduced controls. Twenty-seven out of 29 picked colonies were successfully expanded for three passages, four of which (iPS(foreskin)-1 to 4) were selected for continued expansion and analyses. DNA fingerprinting of the iPS(foreskin) clones matched the fingerprints for the parental fibroblast cell line published on the ATCC website (table S4).

Each of the four iPS(foreskin) clones had a human ES cell morphology (fig. S8A), had a normal karyotype (fig. S8B), and expressed telomerase, cell surface markers, and genes characteristic of human ES cells (Figs. 2 and 3 and fig. S5). Each of the four iPS(foreskin) clones proliferated robustly, and as of this writing, have been in continuous culture for 14 weeks. Each clone demonstrated multilineage differentiation both in embryoid bodies and teratomas (figs. S9 and S10); however, unlike the iPS(IMR90) clones, there was variation between the clones in the lineages apparent in teratomas examined at 5 weeks. In particular, neural differentiation was common in teratomas from iPS(foreskin) clones 1 and 2 (fig. S9A), but was largely absent in teratomas from iPS(foreskin) clones 3 and 4. Instead, there were multiple foci of columnar epithelial cells reminiscent of primitive ectoderm (fig. S9D). This is consistent with the embryoid body data (fig. S10), where the increase in PAX6 (a neural marker) in iPS(foreskin) clones 3 and 4 was minimal compared to the other clones, a difference that correlated with a failure to downregulate NANOG and OCT4. A possible explanation for these differences is that specific integration sites in these clones allowed continued high expression of the lentiviral transgenes, partially blocking differentiation.

PCR for the four transgenes revealed that OCT4, SOX2, and NANOG were integrated into all four of the iPS(IMR90) clones and all four of the iPS(foreskin) clones, but that LIN28 was absent from one iPS(IMR90) clone (#4) and from one iPS(foreskin) clone (#1) (Fig. 2D). Thus, although LIN28 can influence the frequency of reprogramming (Fig. 1A), these results confirm that it is not absolutely required for the initial reprogramming, nor is it subsequently required for the stable expansion of reprogrammed cells.

The human iPS cells described here meet the defining criteria we originally proposed for human ES cells (14), with the significant exception that the iPS cells are not derived from embryos. Similar to human ES cells, human iPS cells should prove useful for studying the development and function of human tissues, for discovering and testing new drugs, and for transplantation medicine. For transplantation therapies based on these cells, with the exception of autoimmune diseases, patient-specific iPS cell lines should largely eliminate the concern of immune rejection. It is important to understand, however, that before the cells can be used in the clinic, additional work is required to avoid vectors that integrate into the genome, potentially introducing mutations at the insertion site. For drug development, human iPS cells should make it easier to generate panels of cell lines that more closely reflect the genetic diversity of a population, and should make it possible to generate cell lines from individuals predisposed to specific diseases. Human ES cells remain controversial because their derivation involves the destruction of human preimplantation embryos and iPS cells remove this concern. However, further work is needed to determine if human iPS cells differ in clinically significant ways from ES cells.

EXHIBIT 2

DOLLY CREATOR PROF IAN WILMUT SHUNS CLONING

(By Roger Highfield)

The scientist who created Dolly the sheep, a breakthrough that provoked headlines around the world a decade ago, is to abandon the cloning technique he pioneered to create her.

Prof Ian Wilmut's decision to turn his back on ''therapeutic cloning'', just days after US researchers announced a breakthrough in the cloning of primates, will send shockwaves through the scientific establishment.

He and his team made headlines around the world in 1997 when they unveiled Dolly, born July of the year before.

But now he has decided not to pursue a licence to clone human embryos, which he was awarded just two years ago, as part of a drive to find new treatments for the devastating degenerative condition, Motor Neuron disease.

Prof Wilmut, who works at Edinburgh University, believes a rival method pioneered in Japan has better potential for making human embryonic cells which can be used to grow a patient's own cells and tissues for a vast range of treatments, from treating strokes to heart attacks and Parkinson's, and will be less controversial than the Dolly method, known as ''nuclear transfer.''

His announcement could mark the beginning of the end for therapeutic cloning, on which tens of millions of pounds have been spent worldwide over the past decade. ''I decided a few weeks ago not to pursue nuclear transfer,'' Prof Wilmut said.

Most of his motivation is practical but he admits the Japanese approach is also ''easier to accept socially.''

His inspiration comes from the research by Prof Shinya Yamanaka at Kyoto University, which suggests a way to create human embryo stem cells without the need for human eggs, which are in extremely short supply, and without the need to create and destroy human cloned embryos, which is bitterly opposed by the pro life movement.

Prof Yamanaka has shown in mice how to turn skin cells into what look like versatile stem cells potentially capable of overcoming the effects of disease.

This pioneering work to revert adult cells to an embryonic state has been reproduced by a team in America and Prof Yamanaka is, according to one British stem cell scientist, thought to have achieved the same feat in human cells.

This work has profound significance because it suggests that after a heart attack, for example, skin cells from a patient might one day be manipulated by adding a cocktail of small molecules to form muscle cells to repair damage to the heart, or brain cells to repair the effects of Parkinson's. Because they are the patient's own cells, they would not be rejected.

In theory, these reprogrammed cells could be converted into any of the 200 other type in the body, even the collections of different cell types that make up tissues and, in the very long term, organs too. Prof Wilmut said it was ''extremely exciting and astonishing'' and that he now plans to do research in this area.

This approach, he says, represents, the future for stem cell research, rather than the nuclear transfer method that his large team used more than a decade ago at the Roslin Institute, near Edinburgh, to create Dolly.

In this method, the DNA contents of an adult cell are put into an emptied egg and stimulated with a shock of electricity to develop into a cloned embryo, which must be then dismantled to yield the flexible stem cells.

More than a decade ago, biologists though the mechanisms that picked the relevant DNA code that made a cell adopt the identity of skin, rather than muscle, brain or whatever, were so complex and so rigidly fixed that it would not be possible to undo them.

They were amazed when this deeply-held conviction was overturned by Dolly, the first mammal to be cloned from an adult cell, a feat with numerous practical applications, most remarkably in stem cell science.

But although ''therapeutic cloning'' offers a way to get a patient's own embryonic stem cells to generate unlimited supplies of cells

and tissue there is an intense search for alternatives because of pressure from the pro-life lobby, the opposition of President George W Bush and ever present concerns about cloning babies.

Prof Wilmut's decision signals the lack of progress in extending his team's pioneering work on Dolly to humans.

The hurdles seem to have been overcome a few years ago by a team led by Prof Hwang Woo-Suk in South Korea, with whom he set up a collaboration.

Then it was discovered Prof Hwang's work was fraudulent. ''We spent a long time talking to him before discovering it was all a fraud,'' he said. ''I never really got started again after that.''

And Prof Wilmut believes there is still a long way to go for therapeutic cloning to work, despite the headlines greeting this week's announcement in Nature by Dr Shoukhrat Mitalipov and colleagues at Oregon Health & Science University, Beaverton, that they cloned primate embryos.

In all Dr Mitalipov used 304 eggs from 14 rhesus monkeys to make two lines of embryonic stem cells, one of which was chromosomally abnormal. Dr Mitalipov himself admits the efficiency is low and, though his work is a ''proof of principle'' and the efficiency of his methods has improved, he admits it is not yet a cost effective medical option.

Cloning is still too wasteful of precious human eggs, which are in great demand for fertility treatments, to consider for creating embryonic stem cells. ''It is a nice success but a bit limited,'' commented Prof Wilmut. ''Given the low efficiency, you wonder just how long nuclear transfer will have a useful life.''

Nor is it clear, he said, why the Oregon team was successful, which will hamper attempts to improve their methods. Instead, Prof Wilmut is backing direct reprogramming or ''de-differentiation'', the embryo free route pursued by Prof Yamanaka, which he finds ''100 times more interesting.''

''The odds are that by the time we make nuclear transfer work in humans, direct reprogramming will work too.

I am anticipating that before too long we will be able to use the Yamanaka approach to achieve the same, without making human embryos. I have no doubt that in the long term, direct reprogramming will be more productive, though we can't be sure exactly when, next year or five years into the future.''

Prof Yamanaka's work suggests the dream of converting adult cells into those that can grow into many different types can be realised remarkably easily.

When his team used a virus to add four genes (called Oct4, Sox2, c-Myc and KIf4) into adult mouse fibroblast cells they found they could find resulting embryo-like cells by sifting the result for the one in 10,000 cells that make proteins Nanog or Oct4, both typical markers of embryonic cells.

When they studied how genes are used in these reprogrammed cells, ''called induced pluripotent stem (iPS) cells'', they were typical of the activity seen in an embryo. In the test tube, the new cells look and grow like embryonic stem cells.

And they were also able to generate viable chimaeras from the cells, where the embryo cells created by the new method could be mixed with those of a mouse embryo to grow into a viable adult which could pass on the DNA of the reprogrammed cells to the next generation.

Nonetheless, there will have to be much work to establish that they behave like embryo cells, let alone see if they are safe enough to use in the body. Even so, in the short term they will offer an invaluable way to create lines of cells from people with serious diseases, such as motor neuron disease, to shed light on the mechanisms.

Given the history of fraud in this field, the Oregon research was reproduced by Dr David Cram and colleagues at Monash University, Melbourne. ''At this stage, nuclear transfer to create pluripotent stem cell lines remains an inefficient process,'' said Dr Cram.

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, let me inquire, we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

ALTERNATIVE MINIMUM TAX AND 3-PERCENT WITHHOLDING

Mr. CRAIG. Mr. President, I come to the floor of the Senate today to speak about two very important issues to America's taxpayers.

The first, of course, is the alternative minimum tax on which we had a cloture vote this morning. That is a very serious matter. I voted against a motion to proceed because I do not believe the best way to prevent a tax increase on 25 million taxpayers is to raise taxes elsewhere by about $80 billion. There is an old phrase out there saying that you are going to rob Peter to pay Paul. Obviously, Peter feels his pocket has been picked, but Paul might feel pretty good about it. And that is the scheme that was played out here. It is a switch game that goes on. The alternative minimum tax is important, but you don't do what they are doing. How can you give a tax break that is already going out somewhere else and raising taxes to give it? That is the issue at hand. I hope the majority is serious about protecting millions of middle-class taxpayers by bringing realistic, bipartisan legislation to fix the AMT, something both sides of the aisle can and, in all fairness, should support.

Even though I did not support how this legislation was crafted, there is a provision in the tax extender package that I wish to highlight because it is very important to taxpayers.

The bill we just voted on contained a provision to delay for 1 year a Federal mandate that requires every level of government—Federal, State, and local—to deduct and withhold a 3-percent tax on all payments of goods and services if that government spends $100 million or more for those goods and services. Oh, yes, that is a shuffle game that has been going on in the Finance Committees in the House and the Senate for some time, and it was slipped in as a way to grab some money. I saw that coming early on and began to object to it and began to look at the figures on it when others of us were saying: Well, gee, I thought that was an ability to raise some more money. I was pleased this issue was finally addressed, but what we need is full repeal of this terrible tax policy, not just a 1-year delay, although I must say a 1-year delay is going to awaken a lot of my colleagues because their State, county, and city governments are going to be calling, if they haven't already, saying: Wake up, you are putting a substantial tax on top of us.

I have come to the floor of the Senate today to renew a promise I made over a year ago. The same day this Senate provided tax relief for millions of Americans by passing the Tax Increase Prevention and Reconciliation Act of 2005, for which I voted, I pledged to do all I could to remove this terrible provision I just talked about that was quietly slipped into the conference report as a last-minute revenue raiser. So I stand here today to renew that pledge.

Last year, I told Members of the Senate this provision would not go unnoticed, and I was right. Once taxpayers learned what this Congress had done in the middle of the night when somebody wasn't watching, they began to react. Angry taxpayers from across the Nation are joining forces, organizing coalitions, and rallying grassroots support to fix this unjust tax policy. I applaud them for their efforts, and I am here to help them.

Let me take a couple of minutes to share what hundreds of angry taxpayers shared with me. I want every Member of the Senate to listen carefully. I want them to understand how this 3-percent tax withholding will affect each and every one of their constituents. I want them to understand why this mandatory 3-percent withholding tax is so bad.

First, 3-percent withholding was justified in the name of closing a tax gap. Proponents argued it would improve compliance. I will show a chart. They say it will improve tax compliance by approximately $7 billion over 5 years. I do not agree, and neither do the numbers.

These numbers are based on the Joint Tax Committee's original estimates. These numbers are simply slightly different when we take the 1-year delay that was in the provision that was on the floor this morning into account. But these numbers tell the story of why this is such a terrible provision.

In 2011, the first year this provision goes into effect, this 3-percent withholding tax accounts for about $6.79 billion in new revenue—boom, a big chunk of new revenue. Can't you see the spenders on the floor of the Senate salivating as they factor that into their budgets and bring down their deficit margins? However, each year after this provision only brings in about $200 million. Why is that? I will tell you. Because about $5.8 billion will be rightly returned to the taxpayers each year

thereafter. So it is a big bubble once, but then it is a constant tax.

Proponents argue that 3-percent withholding will improve tax compliance by $7 billion over 5 years. It is simply not true. The real value of increased tax compliance is only about $200 million. The bulk of these revenues, $5.8 billion, are not found. It is not real money. They are accelerated tax receipts. Contemplate that into any private or public budget or revenue and my guess is an accountant would say you are cooking the books; you can't get away with that; that is not real money.

Many of our taxpayers are already skeptical of what we do around here and would suggest we are not dealing in the real world in our desire to spend money and pay for it in some way. That is exactly what is happening. The finance committees in the conference that put this in cooked the books. As the pressure builds, that is why, well, we better push this back for 1 year.

Now, even though these estimates say you are bringing in $200 million in new revenue, which is a good thing, I guess, I am here to argue that the harmful consequence of withholding 3 percent on all payments of goods and services—and when I said that, the presiding officer brought his head up. The reason he did, and the reason any of us do when we hear about these things is, wait a minute, you are taxing goods and services of counties and cities and State government. Why are you doing that? This is going to far and away exceed the benefit we gain from additional tax revenue because somehow it makes its way through, obviously, to the constituent at the local level.

Not only are their numbers misleading you, but the unintended consequence of this tax withholding are very serious. Who is going to bear the burden of enforcement and implementation—the IRS? The Federal Government? Oh, no. The burden is going to be borne by State and local governments—your cities, my cities, our counties, our States, and companies large and small that do business with our Government are going to have to reach into their pockets in advance. The magical threshold is $100 million. Well, we say that is only for big business. Well, a lot of our cities out there today and a lot of our counties out there today and certainly all of our States fit into that category.

Let me give an idea of what I am talking about. The State comptroller's office in my State of Idaho, an office that would oversee compliance of all State agencies with this new tax-withholding requirement, conservatively estimates it would cost that office, that office alone, about $358,000 to implement and about $78,000 a year to carry it on. Now, remember this is a State of 1.5 million people. This is not 10 million or 12 million or 14 million people. Those are real dollars. That is one office in a small State. When you add all the other Idaho State agencies and offices that must also comply, those numbers will go up. So it is not overstating the case to say.

That tax withholding will collectively cost my State of Idaho millions of dollars to implement.

Now, think of what it would cost the State of Colorado, substantially larger than the State of Idaho, or the State of California, Florida or Texas. The numbers get big, and the numbers get staggering. What about our city and county governments? They will have to comply as well if they spend $100 million a year. That is the threshold.

Most counties and cities don't even know what is about to hit them, but there is one that does, and they figured out how much it is going to cost them. Let me talk about Miami, Dade County, FL. They expect withholding provisions to cost them $27 million. Let me say it again. The new tax withholding will cost Dade County, FL, $27 million. Now, if it costs them that, what do they do? They pay it. Do they cut services to their constituents or do they go out and raise taxes to offset it so they don't have to cut services? Because they are going to be forced to pay it by the Federal Government.

It is not a stretch to say this is going to cost our States, our counties, and our city governments millions and millions of dollars a year. That cost, as I said a few moments ago, has to be moved somewhere else. You either cut the services that the counties or the cities provide or you raise taxes to offset. The unsuspecting victim ultimately then has to be the taxpayer. Either the services they expect from their government are gone or they take a little more out of their back pocket.

Proponents of the 3 percent withholding tax are saying this is the best way to make sure everybody pays their fair share of taxes. Well, it is a new tax. I disagree. I don't think this is the best way to do it. I believe all citizens ought to pay their taxes. I think you and I would agree with that. I also believe our taxes should be straightforward, transparent, and fair. This new withholding tax is not straightforward, it is not transparent, and I suggest it isn't very fair. It is simply another way for the Feds to get their hands in the hip pocket of every level of government below them and into the poor taxpayer's pocket, ultimately.

The new withholding tax, ultimately, will devastate businesses and their customers across the Nation. Let me explain about businesses now. It isn't just governments that are going to have to be paying this. If you own a business and you have a contract to provide goods and services to the cities or the State, or the Federal Government for that matter, then the Government will not pay you in full. Oh, my goodness. You cut a contract with the Federal Government for ''X'' hundreds of millions of dollars to provide goods and services and they withhold 3 percent before they send you the money. So how are you going to deal with that one? Because that is exactly what will happen.

Competitive contracting? Very tight. We hope the margins are tight. We want the margins to be tight. So they will keep your money for 12 to 15 months because it is withheld. So where do you go then to get the money to provide the goods and services? You go borrow it. That endless circle goes on. Doing business with the Federal Government will be more costly, and, ironically, it will cost the Federal Government more if we expect private contractors to deal with our Government.

Here is the problem with that. It will impact nearly every industry in our Nation and it will negatively affect nearly every business or organization in America that contracts with a government entity to provide goods and services. Many industries, especially health care and construction, and most small businesses will be particularly hard hit, because a 3-percent withholding is actually larger than, in many instances, the entire profit on a contract. Think that one through. If the tax withheld is larger than the profit, why would you want to engage in business with the Government? This will seriously impede cash flow, which for small businesses can mean deciding between meeting a payroll, expanding a company or buying needed equipment. We leave small businesses with only two options: They either pass the cost along to their consumer and the price of business goes up, or they borrow money from the bank and make up the shortfall. Of course, when you borrow money from a bank, it is going to cost you a little money to do it, and so down goes the margin of profit, down goes the viability, and down goes the strength and the ability of a small business to compete.

It is ironic we are forcing these small businesses to take out a loan to pay for our mistakes while the Federal Government is essentially getting an interest-free loan from the taxpayer. That is not right.

I am on the floor of the Senate today honoring a commitment I made 1 year ago to speak out and to help shape coalitions to make America aware of what had been slipped into a conference in the dark of night that was going to impact them directly. Well, it is working. Slowly but surely America is awakening to this phantom gain our tax writers thought they could get for our tax spenders.

I sponsored legislation to repeal the 3-percent withholding. I have not yet won that fight, but to all who are listening, the tax writers are starting to blink. That is why the 1-year extension was stuck into this AMT provision, because all of a sudden the pressure is beginning to build and those politicians who raise your taxes are slightly feeling the pressure. We have to keep it on because a 1-year extension simply is not good enough. A full repeal is what we must ask for, unless we want to pass all of this through to our cities, to

our counties, to our States, to the business and industry that does business with our governments, and ultimately to you, the taxpayer, who always pays the bill in the end no matter who writes the check.

So it is important. I hope we can work out the differences we have across the aisle on the AMT. I hope when we do that, the 1-year extension will be in there because we will have had one step down a road toward victory in getting the 3-percent withholding tax repealed.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

THE FARM BILL

Mrs. MURRAY. Madam President, I come to the floor this afternoon to talk about why it is so important that we pass the 2007 farm bill. When a lot of people think of my home State of Washington, they think about Seattle and Boeing and Microsoft, and all those important things, but farming is an incredibly important part of Washington State's economy. We happen to be the eleventh largest farm State in the Nation and we are the third largest producer of fruits and vegetables, which are also known around here as specialty crops. This farm bill is very important to my home State because it will keep our State healthy and strong.

In fact, farming has been an important part of my own personal life. My grandfather moved to the Tri-Cities in central Washington to take a job with Welch's Grape Juice factory a long time ago, in the early 1900s, and my own dad grew up picking asparagus in central Washington. My hometown of Bothell, WA, where I grew up—a small town of about 1,000 people, now backyard to Microsoft—when I was growing up there, we were surrounded by berry farms. We grew up with a very clear understanding of how important family farms are to Washington State's economy. So I know personally that passing the farm legislation before us is absolutely critical for our farmers, who grow apples or cherries, peaches or grapes, asparagus, potatoes, and many of the other important products to Washington State.

I know this is not a perfect bill, this farm bill, but it is the best farm bill in years for my home State farmers, largely because of what it does for those specialty crops I talked about. My home State and our Nation cannot be strong unless our farmers are doing well, and this farm bill helps them stay strong by investing in programs that help them find markets for their crops both here in the United States and abroad. Importantly, this bill will help fund research to ensure that our farmers have a healthy and safe crop in the future.

The Senate now has an opportunity to move forward a very good farm bill. Unfortunately, as we all are aware now, we have become bogged down because the Republicans are now insisting on unrelated amendments that threaten to kill the help our farmers need and deserve today. So I want to be clear about what is happening here. Republicans have been complaining for the last several days about the need to move forward legislation of any kind, but here they are blocking this bill.

I hope we can eventually make progress, but I want to talk this afternoon about what this farm bill can do and what we are losing if we don't move it forward. The biggest victory in this farm bill for Washington State is the $2.2 billion that will help our specialty crop farmers. This is the very first time in this Nation we have addressed these specialty crops in a comprehensive and meaningful way. The money in this bill will help carry out programs I have been pushing very hard for in the last several years.

In this bill, we have $270 million in block grants. Those block grants will help our local growers increase the competitiveness of their crops. We have $15 million in badly needed aid for our asparagus farmers, who have been struggling to compete in this global marketplace they are required to be in, because we have been seeing a flood of cheap asparagus coming in from Peru.

This bill also helps our farmers compete in what we all know is an increasingly global marketplace and to find new markets abroad for their crops. We know South America and China and other countries are aggressively pursuing selling their crops in many of these very important nations overseas. We have to remain competitive and we have to give our farmers the ability to get out there and let other people know what we have so we can be competitive in that market.

This farm bill, importantly, increases funding for technical assistance for the specialty crop programs that will help our farmers overcome some of the barriers that threaten their ability to export their crops today. This is so important to my home State. I actually was out in our State last week, as many of us were after the Thanksgiving holiday. I was in Yakima, WA, where I had a listening session with some of our farmers, and there were some cherry farmers there who are working very hard to develop a new program in Japan. They were talking about how this technical assistance will help them help the Japanese understand how important this is so we can open an entire new market that will help my farmers locally but certainly help our Nation be competitive in this global marketplace.

Another thing this bill will do will be to help ensure that nurseries can continue to have access to safe and virus-free plant materials. This is extremely important. Apples, peaches, and grapes are very vulnerable to viruses. A single plant or a single grapevine can infect and wipe out an entire established orchard or vineyard. Washington State University at Prosser is doing some national research on this topic and they are going to be an incredibly important part of this national clean plant network.

I also wish to talk about a part of this bill that gets neglected way too often as we talk about it, and that is the nutritional programs. I think very few people realize that over half of the farm bill goes to these important nutritional programs. Those are the programs that will help our kids in our schools get access to fresh fruits and vegetables in their school lunches. We hear all these reports about obesity. I read this morning that the life expectancy of the younger generation is going to be, for the first time, less than our generation because of obesity. We have to make sure our kids, at the very youngest ages, are getting access to the best nutrition possible. This farm bill helps to do that, to make sure fruits and vegetables are part of a nutritious lunch and are accessible at an early age when they are beginning to understand, to learn, and to eat the right things so we don't have obesity which, as we all know, leads to a lot of the health care problems in this Nation today.

The farm bill also is helpful in terms of the nutritional programs for people who get food stamps and other assistance, so they also get access to fresh, nutritious food. The bill will help end the benefit erosion we have seen in the food stamp program over the years, and that is especially important today for our low-income families. Our low-income families are struggling today with gas prices rising, health care access, and all the other things that impact them, just as much if not more than most of the rest of our families. Making sure they have access to a food stamp program that makes sure they have adequate nutrition is especially keen and especially important right now. To use an old cliche, I see this as a win-win. These nutritional programs help our children and adults fight obesity and, at the same time, it helps our specialty crop growers.

Finally, I wish we had been able to include important improvements to the safety net that is so critical to the wheat farmers in my State. I have been working for a number of years now with the wheat farmers in Washington State to help improve the countercyclical payment program so it will actually work for them. Unfortunately, we could not make significant changes in this bill, but I am happy the bill holds them harmless, and that was important.

None of us get everything we want in this bill. I am not out here on the floor

to hold up this bill because I didn't get one thing I wanted. I am working to move this bill forward because, in the large part, it is best for our Nation's farmers, and I hope we all step back and recognize that. In a democratic body, we have to fight for what we believe in, but at the end of the day it is our responsibility to make sure the larger bill moves forward. I find it very troubling that because some people didn't get something they wanted, they are now stopping this farm bill in the aggregate from moving forward.

We have a lot of opportunity now to do good for our farmers, so it is very troubling that we see the Republicans coming to the floor now and objecting to this bill. We have to ask: Why are they objecting? So we go and look at the record, and they are saying they are not allowed to get, I think it is over 200 amendments now that are listed here up for consideration on this bill. I was reading through them a few minutes ago, on what they want us to vote on in order to move this farm bill forward. There are over 200 amendments. That is not going to happen in the last 2 weeks we have in this session.

At the expense of asking for extraneous amendments that have nothing to do with the farm bill, they are holding up these critically important nutritional programs, programs that our farmers need in order to keep their livelihoods going, and sending out all across the Nation a huge question mark about whether they are going to have what they need as they move into the next growing cycles. I looked at this list of amendments. There are amendments they want us to consider on a farm bill for fire sprinklers and tort reform and estate tax repeal. They may all be critical issues, but a farm bill is not where we consider these issues.

This bill is far too important for our Nation's health and our economy to use it now as a vehicle for some kind of political game. Only once in our modern history has a nonrelevant amendment been added to the farm bill. Each and every time we have considered the farm bill, the majority and the minority have worked out a reasonable agreement that helps clear the path forward for this important bill. What we see today, unfortunately, is a Republican minority that has decided to throw out the history books and continue to set a record-setting pace of obstruction and kill the help our farmers need and deserve.

Today our families are all struggling—gas prices, energy prices, mortgage crisis, health care costs. We have to get beyond the politics and make sure our farmers and our kids benefit from the very critical investments in this farm bill. These aren't just numbers in a bill. As you well know, Madam President, coming from a State that depends on agriculture, these programs can make or break people's livelihoods.

We have got to come together, and I urge our Republicans to get their ship in order, come to the table with a reasonable plan to move forward, and let us get this bill passed.

Madam President, I yield the floor.

MAKING TECHNICAL CORRECTIONS TO THE HIGHER EDUCATION ACT OF 1965

Mrs. MURRAY. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to S. 2371, Higher Education Technicals.

The Presiding Officer (Ms. KLOBUCHAR) laid before the Senate the following message from the House of Representatives:

S. 2371

Resolved, That the bill from the Senate (S. 2371) entitled ''An Act to amend the Higher Education Act of 1965 to make technical corrections'', do pass with the following amendment:

Page 3, after line 11 of the Senate engrossed bill, insert the following new section:

SEC. 3. TEACH GRANTS TECHNICAL AMENDMENTS.

Subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.) is amended—

(1) in section 420L(1)(B), by striking ''sound'' and inserting ''responsible''; and

(2) in section 420M—

(A) by striking ''academic year'' each place it appears in subsections (a)(1) and (c)(1) and inserting ''year''; and

(B) in subsection (c)(2)—

(i) by striking ''other student assistance'' and inserting ''other assistance the student may receive''; and

(ii) by striking the second sentence.

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHARLIE W. NORWOOD LIVING ORGAN DONATION ACT

Mrs. MURRAY. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to H.R. 710, Charlie W. Norwood Living Organ Donation Act.

The PRESIDING OFFICER (Ms. KLOBUCHAR) laid before the Senate the following message from the House of Representatives:

H.R. 710

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 710) entitled ''An Act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes'', with the following House amendments to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charlie W. Norwood Living Organ Donation Act''.

SEC. 2. AMENDMENTS TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301 of the National Organ Transplant Act (42 U.S.C. 274e) is amended—

(1) in subsection (a), by adding at the end the following: ''The preceding sentence does not apply with respect to human organ paired donation.''; and

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

''(4) The term 'human organ paired donation' means the donation and receipt of human organs under the following circumstances:

''(A) An individual (referred to in this paragraph as the 'first donor') desires to make a living donation of a human organ specifically to a particular patient (referred to in this paragraph as the 'first patient'), but such donor is biologically incompatible as a donor for such patient.

''(B) A second individual (referred to in this paragraph as the 'second donor') desires to make a living donation of a human organ specifically to a second particular patient (referred to in this paragraph as the 'second patient'), but such donor is biologically incompatible as a donor for such patient.

''(C) Subject to subparagraph (D), the first donor is biologically compatible as a donor of a human organ for the second patient, and the second donor is biologically compatible as a donor of a human organ for the first patient.

''(D) If there is any additional donor-patient pair as described in subparagraph (A) or (B), each donor in the group of donor-patient pairs is biologically compatible as a donor of a human organ for a patient in such group.

''(E) All donors and patients in the group of donor-patient pairs (whether 2 pairs or more than 2 pairs) enter into a single agreement to donate and receive such human organs, respectively, according to such biological compatibility in the group.

''(F) Other than as described in subparagraph (E), no valuable consideration is knowingly acquired, received, or otherwise transferred with respect to the human organs referred to in such subparagraph.''.

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SEC. 4. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend the Social Security Act (42 U.S.C. 301 et seq.) (or any regulation promulgated under that Act).

Amend the title so as to read: ''An Act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.''.

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate concur in the House amendments and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, this bipartisan legislation makes technical changes to legislation I previously introduced, S. 487, along with Senators BOND, DORGAN, GRAHAM, DURBIN, MIKULSKI, PRYOR, CARDIN, ISAKSON, COLEMAN, BROWN, and CHAMBLISS and which passed the Senate on July 9, 2007. Companion legislation, H.R. 710, was introduced in the House by Representatives CHARLES NORWOOD and JAY INSLEE,

where the bill was renamed in honor of Representative Norwood, a longtime advocate of organ donation, following his passing on February 13, 2007. This legislation, which applied only to kidneys when first introduced, was subsequently broadened in a Senate substitute amendment I offered and the Senate adopted unanimously on July 9, 2007. The legislation was broadened to include paired donation of other organs as the field of transplantation advances, and in order that those advances not be hindered.

Today, the House has returned the bill passed by the Senate on July 9, 2007, with several technical changes and we are all pleased that with its adoption today and fast-track to the President for his signature, the saving of thousands of lives is on the horizon.

Our legislation will save lives by increasing the number of kidneys and other organs available for transplantation through the process called paired organ donation. It addresses this relatively new procedure, which is supported by numerous medical organizations, including the United Network for Organ Sharing, UNOS, the American Society of Transplant Surgeons, the National Kidney Foundation, the Association of Organ Procurement Organizations, and the American Society of Pediatric Nephrology, as well as many other organ donation and transplant organizations. Paired organ donation, which did not exist when the National Organ Transplant Act, NOTA, was enacted more than two decades ago, will make it possible for thousands of people who wish to donate a kidney or other organ to a spouse, family member or friend, but find that they are medically incompatible, to still become living kidney donors.

In the process of organ paired donation, a donor who is willing to give an organ to a family member or a friend, but is biologically incompatible, donates to another patient, who also has an incompatible donor. By cross-matching two or more incompatible living donor recipient pairs, more patients can receive organs and more donors can give an organ. Paired organ donation results in donor-recipient matching, that would not otherwise occur.

This legislation is necessary because the National Organ Transplant Act, NOTA, which contains a prohibition intended by Congress to preclude purchasing organs, is unintentionally impeding the facilitation of matching incompatible pairs, as just described. Our legislation would simply add paired donation to the list of other living-related donation exemptions that Congress originally placed in NOTA. It removes an unintended impediment to paired donations by clarifying ambiguous language in section 301 of the National Organ Transplant Act, NOTA. That section has been interpreted by a number of transplant centers to prohibit such donations. In section 301 of NOTA, Congress prohibited the buying and selling of organs. Subsection (a), titled ''Prohibition of organ purchases,'' says, ''It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration . . .'' This legislation does not remove or alter any current provision of NOTA, but simply adds a line to section 301 which states that paired kidney donations do not violate it.

Congress surely never intended that the living donation arrangements that permit paired donation be impeded by NOTA. Our bill simply makes that clear. Some transplant professionals involved in these and other innovative living kidney donation arrangements have proceeded in the reasonable belief that these arrangements do not violate section of 301 of NOTA, but they contend that they are doing so under a cloud.

No Federal dollars are needed to implement this change. And, for each patient who receives a kidney, Medicare will save roughly $220,000 in the end-stage-renal disease program because of the significantly lower cost of transplantation compared to dialysis cost. It is essential that we make the intent of Congress explicit so that transplant centers which have hesitated to implement incompatible living kidney donation programs can feel free to do so.

Currently, over 97,000 people are waiting for an organ, including 72,000 who are waiting for a kidney transplant, over 2,600 of whom are in the State of Michigan, as they endure countless hours attached to a life-sustaining dialysis machine hoping that a organ donor will become available before they die. Because of the shortage of available organs, approximately 3,800 people die every year while on the waiting list for a kidney transplant. For them, time is of the essence.

Last but certainly not least, the great success we have achieved here today would not have been possible without the support of my good friend and colleague in the House, Representative JOHN DINGELL chair of the House Energy and Commerce Committee and my distinguished and caring colleague in the Senate, Senator TED KENNEDY, chair of the Committee on Health, Education, Labor, and Pensions. In addition, there are those who energetically led the effort in educating Congress on the need for paired donation and they have long been a progressive force in organ donation and transplantation. I thank Dr. Robert M. Merion, professor of surgery at the University of Michigan Transplant Center and secretary of the American Society of Transplant Surgeons, ASTS, as well as Dr. Goran B. Klintmalm from Baylor University Medical Center and president of the ASTS, for their tireless advocacy for this lifesaving legislation. I would also like to thank Dr. Jeff Crippin, director of liver transplants at Washington University in St. Louis, MO, and president of the American Society of Transplantation, AST; Dr. David Briscoe, director of transplant research at Children's Hospital in Boston, Harvard University; Dr. David Cohen, director of kidney transplant, Columbia University; and Bill Lawrence of United Network of Organ Donor Sharing for his steadfast leadership in the cause of organ donor awareness and organ transplantation.

Senate passage and enactment of this legislation is a fitting tribute that honors the memory of six members of the University of Michigan Transplant Team, who died in a tragic plane crash while on an emergency mission to deliver life-saving organs to the University of Michigan Hospital to save the lives of transplant patients.

I would like to share with my colleagues the sentiments expressed by Mary Sue Coleman, President of the University of Michigan, upon learning of the tragic loss of the six members of the University of Michigan Transplant Team. Her remarks, given on June 5, 2007, are as follows:

> Our hearts are broken by the devastating and irreplaceable loss of six members of the Survival Flight transplant team.
>
> Every day, the doctors, nurses and flight personnel of Survival Flight do heroic work in saving the lives of others, and that is how we will remember those who perished in Monday's tragedy—as selfless heroes.
>
> There is no greater act than that of saving a life, and through our grief, we take comfort in knowing these six men died in the service of a fellow human being.
>
> Please hold in your hearts David Ashburn, M.D., a fellow (physician-in-training) in cardiothoracic surgery; Richard Chenault II, a transplant donation specialist with the U–M Transplant Program; Dennis Hoyes, a Marlin air pilot; Rick Lapensee, a transplant donation specialist with the U–M Transplant Program; Bill Serra, a Marlin air pilot; and Martinus (Martin) Spoor, M.D., a cardiac surgeon who had been on the U–M faculty since 2003.
>
> Our thoughts and prayers are with their families, friends and colleagues.

Finally, I would also like to share an excerpt from a letter I received from Dr. Robert Merion regarding his cherished colleagues and friends who were members of the University of Michigan Transplant Team, as follows:

> All of my colleagues who perished in that horrible crash were committed to organ donation. In fact, the U.S. Department of Health and Human Services awarded one of them, Richard Chenault II, its Medal of Honor in 2006 for his successful efforts to increase organ donation at the University of Michigan. All six of these fine men would have been extraordinarily proud to know that their names were being invoked to stimulate final passage of a bill that will provide the gift of life to so many others.

I commend the Senate on the passage of this much-needed legislation and look forward to the President signing it in the days ahead.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LENDING CRISIS

Mr. CASEY. Madam President, I rise today to speak about something that is on the minds of a lot of Americans, but also something that initially was addressed by the President and by Secretary Paulson today when they announced their loan modification program as it relates to the subprime lending crisis that is engulfing many American communities and so many families. Despite all the evidence of the size and scope of the subprime crisis, this administration today unveiled what I would argue is a tepid plan that would reach only a small number of subprime borrowers.

I don't think it is too late for the President or Treasury Secretary Paulson to come up with a real solution, but this plan is far too little. It is my opinion that this plan will only affect a few borrowers, not enough to meet the need.

That is not just my opinion, though, it is the opinion of some experts in the industry. One in particular, Barklays Capital, is estimating that this plan announced today will reach only 12 percent of all subprime borrowers.

Mr. Eric Halperin, the Director of the Center for Responsible Lending, which institution is a leading expert in this area, was quoted in the New York Times as saying:

> I don't see anything that leads me to believe we will see an increase in loan modifications.

That is just two experts weighing in on something that is critical to so many families in America. The fact that the President and Secretary Paulson have put a kind of window dressing on these loan modifications and the problems that are caused by the subprime crisis doesn't mean that we can feel secure that they are meeting the need that we see across the country. I think the administration has to do more than just talk about this issue and take credit for having some kind of a plan because we know that more than 2 million subprime loans are about to reset at higher rates in the months ahead.

This crisis has already slowed economic growth in America and has an impact the world over. It is threatening to push our economy into recession, and still the President and the administration are not willing to truly help homeowners on the brink of foreclosure.

The Treasury Secretary has known about these problems for some time, as has the administration. I am afraid when Members of Congress weigh in on this problem, as so many have—with legislation, with suggestions, with ideas—the administration tends to ignore that advice or ignore that plea for help. Just this week I sent a letter to Secretary Paulson which was signed by a number of other Senators—Senator SCHUMER, Senator BROWN, and also Senator DODD. We asked the Secretary to consider basically five considerations.

Let me read what we asked him to examine as he and the President were preparing the plan they released today.

No. 1, we asked he ensure the eligibility for modification not be too narrow and that people who are affected have every opportunity to ensure that they remain in their home. No. 2, we asked they make sure loan modifications are long enough to ensure the long-term affordability of the mortgages and not merely delay a foreclosure. No. 3, we asked to waive all prepayment penalties. I think that is a reasonable request in this kind of crisis. No. 4, we asked the Secretary to guarantee the fair treatment of families that are not able to avoid foreclosure, even with modifications. No. 5, make sure the modification program must be transparent to allow for independent monitoring. Of these five key points, these five requests, really, it is only clear that one has been addressed. One has been addressed by freezing rates for 5 years.

A plan that affects only 10 to 12 percent of borrowers, can that kind of plan qualify and can most borrowers have confidence in such a plan? I don't think so. Unfortunately, Secretary Paulson and the President have come up far too short on their recommendations.

So many people here, not just in Washington but across the country, know the effects of this crisis on our country—obviously on families and their ability to make ends meet month to month, paying the bills, but also the effect on the economy, really on the world economy. We know, for example, the Joint Economic Committee, of which I am a member—the Presiding Officer is also a member, a proud member from the State of Minnesota. She knows when our committee had a chance to review this issue we issued a study, not too long ago, about how much this problem will cost. Just let me give you a couple of numbers which are relevant: 2 million foreclosures. We have heard a lot about that, but we know 2 million will occur by the time the riskiest subprime adjustable rate mortgages, the ARMS, will reset over the course of this year and next year. Many thought the crisis was behind us, that we were kind of over the hump. A lot of experts believe the worst is yet to come. That is why we needed a real plan by the President, not a half-baked plan.

No. 2, the Joint Economic Committee found that approximately $71 billion in housing wealth will be directly destroyed—$71 billion in housing wealth will be directly destroyed. There is another $32 billion on top of that, $32 billion in housing wealth that will be indirectly destroyed by the spillover effect of foreclosures which reduce the values throughout a neighborhood.

States across the country will lose some $917 million in property tax revenue because of this crisis. The 10 States with the greatest number of estimated foreclosures, of course, are some of the larger States: California, Florida, Ohio, New York, Michigan, Texas, Illinois, Arizona, and my home State of Pennsylvania. I am sure the State of the Presiding Officer, Minnesota, is probably close to the top as well. But there are several others close to that ranking.

Finally, in terms of the findings of this particular report, on top of the losses due to foreclosure, this report also says there will be a 10-percent decline in housing prices, which would lead to a $2.3 trillion economic loss.

We could go on and on about what the problem is, but we know there are some solutions on the table. I am one of the cosponsors, along with Senators SCHUMER and BROWN, of the Borrowers Protection Act, which imposes obligations on some of the players in this market who have not been regulated, frankly, have not been cracked down on, the so-called unregulated brokers and originators. This legislation, the Borrowers Protection Act, would do that looking forward, but also in the present context we have pushed very hard, and the Senate has already passed legislation—of course, the President, like he is about a lot of things, is talking about vetoing this legislation—in which we do have $200 million set aside for foreclosure counseling, which a lot of families need and a lot of homeowners have a right to expect. There are some short-term and long-term things that we can do but, unfortunately, what the President and the Secretary did today does not meet that.

I want to conclude by quickly moving to another topic for just a few moments before my time is up.

NUCLEAR PROLIFERATION

Mr. CASEY. Madam President, to highlight something that was in the New York Times last Friday—it was Friday, November 30—at the bottom of page A12, in the midst of all of this discussion we have had in this country over the National Intelligence Estimate on Iran—and properly so that we debate that and discuss that—all of the discussion on crises and challenges in our foreign policies that threaten our national security, the ongoing debate about Iraq, in the midst of all of that, we see in the New York Times and other publications a headline that reads as follows:

> In Slovakia, three are held in a uranium smuggling case.

What is this all about? Well, it is about what a lot of people believe is maybe the greatest nightmare we face in the country: that a small group of terrorists can get a hold of fissile material and create a nuclear weapon, any kind of even unsophisticated nuclear weapon or dirty bomb—however you want to describe the various types of weapons that can be developed—and explode it in an American city or explode

it in a Western city, maybe, across the world.

But here is what happened in this case. This is cause for alarm because of the lack of attention that is being paid to this issue in the press, frankly, and also when the press asks Presidential candidates questions in debates because it has not been a subject of much debate at all. I am talking about three individuals, two Hungarians and a Ukrainian, who were arrested last Wednesday after trying to sell highly enriched uranium, according to diplomats in that part of the world. Now, it was only half a kilogram, and the poundage was very limited. We know you need a lot more kilograms, a lot more pounds to have a real threat.

But here is the problem. We have an administration that has had a series of recommendations made to it over many years now about ways we can prevent this nightmare from taking place. I gave a speech a couple of weeks ago, and a lot of Members of this body have been concerned about this issue for years. But the administration has not shown the kind of leadership we need to prevent the nightmare of nuclear terrorism.

What can we do? Well, there are a couple of things we can do.

Very simply, this country could lead an effort, an international effort to create a global library of fissile material so we can track this material if an explosion occurred or if a terrorist attack occurred. Countries would be accountable if we did that. But this administration has not shown a willingness to show real leadership on this issue.

Secondly, we should treat an issue such as this as a crime against humanity. That is another step which should be taken, and this administration should lead that effort. Unfortunately, they have not. They have allowed a real gap in the work to persist so that other groups, international groups, groups here in America, nonproliferation groups across the country have had to take up the ball, so to speak, and run with it because this administration does not show the leadership.

I would ask this administration, I would implore them that even in the last year of an 8-year administration, they take this issue very seriously, even if this particular case that was pointed out in the New York Times and other places was by a small group of very unsophisticated people across the world. At some point in time, we are going to be faced with the challenge of a very sophisticated group of terrorists. It might be al-Qaida, which is seeking to do this every day of the week. That is the nightmare, and we are not prepared for it, we are not spending enough time on it. The administration should lead this effort. The next administration as well as this Congress has to show leadership.

That is a gentle but firm reminder from a story just last week. It is a real threat to our existence, and it is a threat to our national security in and of itself.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

LENDING DISASTER AND POOL SAFETY

Ms. KLOBUCHAR. Mr. President, I rise to talk about a very important constituent of mine, a 6-year-old girl named Abbey Taylor, who was severely hurt this past summer in a pool accident—something that could have been prevented if this body and the House of Representatives had acted a few years ago on a pool safety bill. We have an opportunity, before we go into recess, before the year's end, to do the right thing. But before I talk about that, I would like to make note of the President's remarks today on the subprime housing crisis that threatens our Nation's economy.

While I am pleased that after months of trying to wish the problem away, the President has finally decided to come forward with a proposal for this problem. Today's announcement is only a small step toward helping homeowners faced with foreclosure. We must do more if we are truly going to address this problem.

In the world of subprime lending, the chickens have finally come home to roost. Nearly 8.6 percent—or 1 in 12—of subprime mortgages in my State, the State of Minnesota, are in foreclosure. Minnesota had the fourth highest foreclosure rate in the second quarter of this year. The results of this spike in foreclosures will be devastating for our State, as it will be for other States across the country.

As the number of foreclosures increase, property values are likely to drop, resulting in decreased tax revenues and increased municipal maintenance costs. Slumping housing values are also likely to result in decreased consumer spending and could jeopardize the overall economy.

If we are to contain the economic spillover effect of the subprime lending disaster, we must act now.

We need additional reforms to protect borrowers, such as ensuring that borrowers actually understand all the terms of their mortgage in a simple, one-page description of their terms, including their ability to repay a loan at both the teaser rate and the adjusted rate. We also need to ensure that homeowners aren't hit with a huge and unexpected tax or insurance bill at the end of the year by escrowing that amount.

I am a cosponsor of the Borrower's Protection Act that would require mortgage lenders and brokers to protect consumers from predatory lending practices. Banks should simply not be allowed to offer loans—and actually, banks today are regulated in a way that makes sure they are not allowed to offer these loans. I want to make sure other lenders, nonbank lenders, these predatory lenders are asked to follow the same rules.

We need to protect the economy and take comprehensive action now before it is too late. Millions of families have been waiting for the President to take a seat at the table, and let's hope as we move forward we can enact legislation that truly addresses the needs of these families.

But I come here today to discuss, as I said, a constituent of mine, a little 6-year-old girl named Abbey Taylor, a very brave little girl. I hope this story will give people a sense of urgency about moving the legislation that is currently before the Senate. I know we have big bills before us—and I come to the floor urging my colleagues on the other side of the aisle to allow these bills to proceed—bills such as the farm bill, which is so important to so many farmers in my State and to get these appropriations bills moving. The President has threatened to veto, and we have stopped the Transportation bill, despite the move of the Democrats to push and push and push the Transportation bill. There are two that have been stopped, and that includes, I will tell my colleagues, $195 million in funding that will help us to complete the work on the I–35W bridge that so tragically fell in the middle of a beautiful day in Minnesota, right in the middle of the river. It should never have happened.

Sometimes the bills that we work on here can make a difference in a very small way, in a way that maybe isn't as big and you don't talk about as much on TV, but in a way that can help save lives of girls such as Abbey Taylor. This legislation has already passed the Commerce Committee unanimously, and it is awaiting our action. This legislation would help prevent serious injury or death to other children. I want to convey the sense of urgency on behalf of Abbey Taylor and her parents to each and every one of my colleagues. I want my colleagues to know that families across our country are waiting for us to finally pass this legislation. One of those families waiting is the Taylor family of Edina, MN.

This summer, their daughter Abbey went swimming at a local pool. She was in a shallow wading pool when she sat over an open drain hole and had most of her intestines torn out by the drain's powerful suction. It was a miraculous gift that she lived. She actually sat up and moved away from the suction when so many other children have perished when the same thing has happened. So she somehow managed to stand up and take a few steps before collapsing along the side of the wading pool.

She remained hospitalized for weeks after undergoing several surgeries. She will survive, thanks to a miracle, but doctors expect she will need a feeding tube the rest of her life. She is now on a list for transplant.

What happened to this little 6-year-old girl on a summer day in Minnesota is horrific. My own daughter's name is Abigail, and hearing about this incident brings chills to any parent. When I first saw the story in our local newspaper, I had to stop reading it because the details of it were so disturbing. This is something that we can prevent, and this is something that is every parent's nightmare. You look at this first as a mother: Your daughter is enjoying a beautiful summer day having fun playing at the local pool. This is not just the deep end of the pool. This was the kiddie wading pool. But suddenly something terrible happens and your life is changed forever. That is what happened to the Taylors.

When it was first reported, like everyone else, I thought it was some kind of a freak, one-of-a-kind incident. I never thought I would spend time talking about it on the Senate floor. I didn't think I would have to come to the Senate floor twice to talk about it, when, in fact, the bill that addresses this passed our committee unanimously and has already passed through the Senate years back. But then I learned this was not the first time this has happened. As it turns out, although most pools are safe and well maintained, this type of incident has happened too many times before, resulting in the death of several dozen children over the past 15 years.

It even has a name. It is called pool entrapment. It occurs when a child becomes stuck on a drain and is unable to escape due to the high velocity and pressure of the water that is being sucked into the drain. Another scenario occurs when hair or jewelry gets sucked into the drain, making it difficult for a child to pull free. According to the Consumer Product Safety Commission, the pressure on some pool drains can be as strong as 300 pounds per inch. In fact, several years ago, the Commission produced an educational video on this danger. It showed a muscle-bound man trying to pull a ball off a swimming pool drain using both arms and all of his might and he couldn't do it. The suction force was too powerful.

Two years ago, the Consumer Product Safety Commission issued a report saying it was aware of at least 27 deaths and many more emergency room visits and hospitalizations due to this entrapment. Most of these victims were children. It is unclear how many actual entrapment incidents there have been that have not resulted in death but instead severe injury because entrapment is a little known risk, and it is possible that many swimming pool drowning deaths or other injuries have not been classified as entrapment.

This legislation must pass. The legislation has several important provisions. It would take the Consumer Product Safety Commission's standards for pool drains, which are now voluntary, and make them mandatory. It would prohibit the manufacture, sale or distribution of drain covers that do not meet the standards established by the Commission.

Most importantly—and this was an enormous improvement over the past bill that this body passed years ago—it requires that all public pools in this country, including hotels, apartments, local municipal pools, and other pools intended for multiple users be equipped with antientrapment drain covers. These covers are something like 30 bucks apiece. This was the amendment I introduced on behalf of children such as Abbey, and I am proud it has now been included in the bill.

In addition, we have an agreement on another provision that would require that all of these public pools with single-made drains incorporate an additional layer of protection to guard against suction-related drowning. Again, this is about $130 we are talking here—not about private pools but about huge public pools that are used by thousands and thousands and thousands of children.

This legislation is called the Virginia Graeme Baker Pool and Spa Safety Act, named in the memory of 7-year-old Virginia Graeme, who was a granddaughter of former Secretary of State James Baker. I talked to Secretary of State Baker just about a week ago, and we both concur in our frustration that while this legislation has huge bipartisan support, it is being held up by one of our colleagues, someone on the other side of the aisle, someone who I think has said he wants to work with us and wants to get this through, but we have been so far unsuccessful, despite several efforts. I talked to James Baker. But just as importantly, every other week I talk to the Taylors, and they always ask me if we have gotten this legislation passed yet.

Now, what do you say when you talk, as I do, to the father of this little girl, Abbey Taylor, who continues to struggle in the months that have passed since losing her intestines? Do you tell them that, well, we passed it unanimously through the committee, but now it is stuck, that one person is able to hold up a bill that 99 other people support? These parents are so courageous that they have moved on from that, and they even want her severe injury discussed today. They wanted me to discuss this. They want the world to know what happened to her because they don't want it to happen to another little girl again. They are not afraid to have us talk about what happened to their little daughter because they want it to never happen to another child again.

There is a saying that when an accident happens that could reasonably have been prevented, then it is not really accurate to call it an accident. It is actually a failure. In the case of injuries and deaths caused by pool entrapment, it is not a failure by children or their parents. They have a reasonable expectation to think their child can go into a public wading pool and not lose their intestines. It is really a failure of our country, of our product safety laws, and we all have to take responsibility for it, just as we have to take responsibility for these toxic toys that shouldn't be on our shores and in our stores, which is something else that we need to get done before we go home for the holidays. It is a failure, whether it is about the toys or whether it is about these pool drains. It is a failure that is within our power to correct, a problem that can be faced through reasonable measures and fixed by legislation.

I think the fact that Senator STEVENS supports this bill and has worked with us on it and the fact that we have Republican support for this bill shows this isn't some whacky legislation. We worked with people on both sides. We worked with the manufacturers. We worked with the consumer groups. We came up with a reasonable bill.

So I ask my colleagues: What am I supposed to tell this dad when I talk to him tonight? Am I supposed to tell him that some rules in the Senate say that one person can hold up a bill against the will of the entire body? I don't want to tell him that. I want to tell him we were able to work this out and get this bill through and to make sure no other parents are sitting in a waiting room in a hospital for weeks while they are trying to find out if their daughter is going to live or if there is going to be a transplant for their daughter. I want to tell them this isn't going to happen again.

On behalf of Abbey Taylor and the Taylor family and for the health and safety of all of our children, I urge the Senate to take quick action to pass these simple consumer measures that are before us; to pass the measure about the toys, to pass the measure about the pool drains. We are dealing with huge issues in this body: the war in Iraq, foreign intelligence, we are talking about the farm bill, and we want them to pass. But these consumer bills can actually have an impact immediately in a little child's life. So let's go back and get this done.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTERS

Ms. STABENOW. Mr. President, I come to the floor today with great concern and frustration, as I know my colleagues in the majority feel, about the

fact that as we continue to work hard to make the changes our American families wanted to happen to improve their lives, we are stopped over and over and over again.

I have a running chart, as my colleagues know. As of this afternoon, we are now up to 57 Republican filibusters. Tomorrow, we will be voting on cloture again, and it will then be 58 and then 59.

So we find ourselves in a situation that is, first of all, historic in that the top number of filibusters ever recorded in the Senate for a 2-year session is 61; 61 times there were filibusters within a 2-year period. Now, in less than a year—and we are not even done—we will probably hit 61 before we leave. But we are at 57 times that the Republicans have filibustered to stop us from making progress, from solving problems, from getting things done that the American people, American families are desperate to have done.

We look at the fact that we have tried to change the children's health care policy to cover 10 million children in this country—in that case, we have bipartisan support, and that is the way we ought to operate. The children's health care plan is an example of the way we ought to work together. I commend my colleagues on both sides of the aisle. In that case, we have the President doing the blocking. So when we talk about children's health insurance, our colleagues on the other side of the aisle got a lot of pressure for working with us and doing the right thing, to add 10 million more children to be able to receive health insurance. Working families who are working one, two, and three jobs don't have health insurance. But we have worked together. Even though we could override the Presidential veto here, they could not get enough Republican votes in the House. We want to get children's health insurance done.

We have been working very hard and have a majority of Members to change the policy in Iraq, to get our brave men and women out of the middle of a civil war, and to be able to change the policy to one that will directly affect the threats facing Americans, to address what we ought to be doing in the world to keep us safe, change that policy, redeploy, bring our people home and out of harm's way, out of a civil war. We have a majority of Members who voted with us to do that. But we could not get that policy done—we have not yet, but we are going to keep trying; we are not stopping.

But filibusters over and over again have blocked us from making the change we need in Iraq—troop rotations, protecting our troops, and being able to make sure that if they are deployed for 12 months, they can have 12 months at home and be able to rest and see their families and have retraining. Senator WEBB brought forward an amendment that says to our troops: We understand what is happening, and if we are sending you on one deployment and two and three redeployments, we ought to be following the current military policy of having the same number of days at home as we have you in harm's way in the theater.

We have a majority of the votes. We have a substantial majority of votes—56 votes or 57 votes—to change the policy to support our troops. Yet we have filibuster after filibuster after filibuster, taking 60 votes to stop. We have not had enough Republican colleagues join with us to stop those filibusters. Tomorrow, we are going to vote on whether to end a filibuster.

I am amazed, as a member of the Agriculture Committee—and proudly a member. When everybody thinks of Michigan, they think of automobiles, and we are proud of that, too, but our No. 2 industry is agriculture. I am very proud to have worked with colleagues in a bipartisan way to have a bill developed that is terrific for Michigan. It provides not only support for traditional commodities and agriculture, but it moves us to alternative energy. We want to be saying in Michigan: Buy your fuel from Middle America, not the Middle East.

The Agriculture Committee put forward a farm bill that moves us in that direction. It addresses nutrition and more opportunities for children in schools to have fresh fruits and vegetables, conservation—there are provisions in there that affect the Great Lakes which I am proud to have included. We have fruits and vegetables, for the first time, recognized as half of the crops we grow as a permanent part of the farm bill. You would think people would be raring to go to pass this new policy that improves or provides reforms and moves us in a direction to reflect a better future for rural America and fuel security.

This is our third week at least that we have seen filibustering of the farm bill. Tomorrow, we will have a vote on whether that filibuster will end. We will see what happens and whether we will go from 57 filibusters to 58 and then 59 on the Energy bill. The reality is that we have important work to do to support rural communities in Michigan and across the country, to address energy needs, alternative fuels, biofuels, to address nutrition for our children and families, to support traditional agriculture that is working very hard and providing us with the food we need, the food security we need for this country. This farm bill does that.

I applaud our chairman, Senator HARKIN, for his efforts, and all those involved, including Senators CONRAD and CHAMBLISS and all who have worked together on a bipartisan basis. Even though we have a bipartisan basis, unanimous support in the committee, we come to the floor one more time.

The big strategy on the Republican side is to just stop change, stop, stop, stop, block anything from happening. What we are seeing—I am assuming it is pretty clear what the strategy is—is the White House working with the leadership on the other side of the aisle to make sure we cannot get things done for the American people, stopping us from moving forward. It is also clear that, hopefully, after next year's election, we will have a few more folks on this side of the aisle so we can move forward on those things we have had trouble moving forward on right now. They are certainly making the case for more change and more additions to the majority in this process.

We have also seen another critical area that we are all reading about and hearing about from constituents—certainly, I talk to people every single weekend when I go home, as well as during the week here—and that is the question of the mortgage crisis, what is happening in the housing industry, not just the subprime but in the prime housing market, and what is happening across the country. We see the White House is finally engaged, and we are glad to see that. We hear that we need to take action, and we have a tax issue I sponsored to make sure folks not only don't lose their home but don't get a tax bill on top of it. But we hear from Secretary Paulson and others that the FHA is important—FHA modernization, passed by the House—an important part of getting more capital in the marketplace.

We have too many families now who have lost or will lose their homes. For most families, middle-income families who buy a house try to get it in a spot where they can have good schools. For most families, the equity in their homes is their primary savings.

We hear that FHA modernization is important to do. Our leader, Majority Leader REID, came to the floor a couple of weeks ago and asked unanimous consent to go to that FHA modernization bill which the administration says they support and they are urging us to pass. It has passed in the House. Yet when our leader comes to the floor, recognizing as he does that he represents a

State heavily hit as well on the question of foreclosures, and asks unanimous consent and one more time, the leader on the Republican side objects.

All we see are efforts to stop changes that are critically important for the families of America, the economy of America, the businesses of America to make sure we can keep the middle class of this country and keep the middle-class American dream alive. That is what we are all about.

I thought it was stunning yesterday when, again, the Republican leader came to the floor saying nothing is getting done, nothing is getting done. Then Senator MURRAY, who chairs so ably our Transportation and Housing Appropriations Subcommittee, asked unanimous consent to take up this critical bill that relates to infrastructure. We have bridges in Minnesota and other places around the country—we certainly have all seen the pictures from Minnesota, what happened in Minneapolis with the bridge collapse. Certainly that would be a priority. I know it certainly has been a priority for Senator KLOBUCHAR, who has spoken eloquently and has made sure there are resources and help for her State. One would think that after a long speech about how nothing was happening in the Senate that our Republican colleagues would welcome Senator MURRAY coming to the floor to move forward on this important bill, written in a bipartisan way, passed by the Senate to bring forward the conference committee report on housing and transportation, a bill that includes dollars, again, that the administration says they want and support—$200 million for education and for consumer outreach to help those who are in bad loan situations, who face resets or foreclosures next year, to have the opportunity to sit down and work out a different mortgage situation to refinance.

I applaud Secretary Paulson for setting up a 1–800 number and wanting to reach out to help those families. We have $200 million in our budget which the administration says they support. Yet when Senator MURRAY comes to the floor as chair of that effort, again what do we hear? ''I object, Mr. President.'' ''I object, Mr. President.''

One more time, we are in the middle of a mortgage crisis, affecting not only our families, not only middle-class Americans all over the country, but it is now rippling out to the entire economy. Yet when our leader comes to the floor, when our leader asks to move forward on those issues that we can do together now, we get: ''I object, Mr. President.'' We get another filibuster.

I don't know who is advising the White House and the Republican leadership on this strategy, but sooner or later this is going to catch up with them when they are objecting to the changes that are needed to improve the lives of middle-class Americans, whether it be help in a mortgage crisis, whether it be children's health insurance, whether it be helping rural America in addressing our alternative energy needs, a farm bill, whether it be supporting our troops, changing the policy in Iraq—I could go on and on.

I should mention we are finding the same thing as it relates to trying to get a budget for this coming year to stop a cut in physician payments through Medicare which we have to get done.

Our chairman of the Finance Committee is leading this effort and is strongly committed to fixing this policy that would provide cuts and wanting to advocate we not do it just for next year but 2 years, as well as a number of other things we need to do with Medicare. We are struggling right now to make that happen.

On the appropriations front—and this is stunning to me—we see a situation where on the one hand, the administration is willing to spend $12 billion a month and counting in Iraq, not paid for, going right on to the deficit. I have a beautiful new granddaughter, my first grandchild, and she is going to help pay for that deficit. All the kids being born today will help pay for that huge deficit that has been created. And that is OK, according to the administration, that is OK. They want more money and they do not pay for it, do not budget for it—more money. But when we put forward a modest 2-percent increase in investments for America, to restore some of the cuts that the President has made in community policing or in health research, education funding, in those items that invest in American families, American communities, just a 2-percent increase, the President says: No, too much. He is willing to take us to the brink of a Government shutdown, but a 2-percent increase for America? Too much. Mr. President, $12 billion a month in Iraq, not paid for—paid for by our kids and grandkids that is OK.

We find ourselves once again with filibuster, filibuster, filibuster on the Republican side, stopping us. Now we are back saying: OK, in order to get appropriations done for this year, we will split the difference. Instead of a 2-percent investment increase for American communities and families, we will say 1 percent, which is less than we spend in Iraq, $11 billion less than we spend in 1 month in Iraq, and we hear that is also not supported.

It is time we focus on what needs to be done to make sure those working hard every day, who care about their families, who want to make sure they have a job, have health care, and have the great American dream, send the kids to college, have the support they need. That is what we are about. That is what we are about—fighting for those folks who work hard every day who care about their kids. They want to see a change from what has been happening, and that is what we are fighting for.

I close indicating there is good news. I see my wonderful colleague from Rhode Island, who has been a champion for us as it relates to changing the policy in Iraq and supporting our troops. This must be a ''Rhode Island moment'' because we have the distinguished junior Senator from Rhode Island presiding, of whom we are so proud. I see his senior colleague here as well.

In conclusion, I paint a very bleak picture, a very frustrating picture, and we feel it every day. Nobody feels it more than our leader, who is laser focused on getting through all of this obstruction to get things done for the American people.

But the good news is, in spite of 57 filibusters, we have gotten things done, and we will continue to get things done. It may take twice as long. It may take 100 filibusters, it may take 150 filibusters, but we are not going to stop because what is at stake is our American way of life. What is at stake is the ability for families to enjoy the American dream.

We have raised the minimum wage for the first time in a decade for our families. We have made college more affordable by passing the largest student financial aid package since the GI bill. My dad went to school after World War II on the GI bill, and I know he would not have been able to go to school without it.

I am proud that on our watch in this new majority we have put in place changes that will allow more young people to have that American dream, to be able to go to college, and to be able to come out of college without the kind of debt that weighs one down for years and years. We want to help them with that.

We passed finally on our watch—and this happened quickly; it has not happened since 2001, but on our watch, we passed the 9/11 recommendations, to focus on the real threats, to keep us safe. I am proud of the fact that a provision I have been very involved in, making sure radios work, radio interoperability, has been included so we can support our police and firefighters, so they can talk to each other, so we do not have again a situation where brave first responders are running into buildings, running into towers they should have been running out of. We got that done.

We passed a very important water resources bill that has been languishing here for years. Coming from a Great Lakes State, this is important to us. I commend Senator BOXER and all of those who worked, again, on a wonderful bipartisan basis—she and Senator INHOFE—in putting that bill together.

In the Judiciary Committee, sometimes we do business that is not legislative, it is oversight. We have done a lot of oversight on Iraq policy, on no-bid contracts, on Blackwater, and private contracting, in many areas where there had been no oversight for years. Our people have aggressively, as chairs of the committees, been doing oversight.

One area that has resulted in change that was needed were the hearings with

the former Attorney General that focused on the fact that our U.S. attorneys did not have the independence they needed. They were being used politically. The change occurred when the Attorney General was forced to step down. We have made a major step forward in preserving the independence of the U.S. attorneys.

There are numerous other issues I could mention, and I will not. Suffice to say, we are getting business done. We are getting results for middle-class Americans every day. Evidently, all of our hard-working results have raised a red flag down at the other end of Pennsylvania Avenue. They said: Whoa, whoa, whoa, you are making too many good things happen, too many changes happen that families are going to like, that American people are going to like. We better slow this thing down.

So now we are in a situation where even those efforts we have worked on in good faith on a bipartisan basis—that is what we do here. We cannot get anything done if we don't work together, people of good faith working together. Even those issues have been slowed down and stopped because it is felt now that the best thing to do is to make sure the Democrats cannot make any more positive changes happen so it is clear the differences in values and priorities among this administration and their supporters and the new majority.

Fifty-seven filibusters and counting. The American people expect us to stop this situation. This needs to stop. Enough is enough. There is a lot of work to be done, serious work. The American people expect us to do it, and we are committed to getting it done.

I yield the floor.

The PRESIDING OFFICER. The distinguished senior Senator from Rhode Island is recognized.

MORTGAGE LENDING CRISIS

Mr. REED. First, I thank the Senator from Michigan for her kind words and also for her tremendous leadership as the leader of our Democratic caucus on so many issues, and a great representative of her State of Michigan. I thank the Senator.

Today, Mr. President, the Bush administration announced a proposal to help stem the burgeoning crisis in foreclosures across this country. It is a welcome step, but it is a very timid step. It is one that is long overdue, in my estimation. This crisis has been evolving over many months, and the White House and the Treasury have taken a very long time to get to this moment and to propose this plan. And it is cautious plan, and only a partial approach to a very complicated and very dangerous problem.

The problem is dangerous in the sense that millions of American homeowners are facing the peril of losing their homes to foreclosure because of the exotic mortgages that were sold to them with low introductory rates and now are being triggered to reset to relatively high rates, forcing many people to make the choice between giving up their home or giving up everything else to pay for their mortgage. That is the human aspect. And we are seeing it in our home State of Rhode Island, Mr. President, a record number of foreclosures, page after page in the newspaper of homes that are going to be foreclosed upon.

This has an effect not only on the individual family but on the community as a whole because as homes are foreclosed in a neighborhood, they lower the value of the other homes. It has a ripple effect.

I was meeting just a few weeks ago with the mayor of Central Falls, RI, who pointed out the increased number of foreclosed homes in his community, and also the mayor of Pawtucket, who has seen a significant increase in foreclosures. This goes right to the fabric of a community. So on the individual family level, on a community level, and now on a nationwide, indeed, global level, this liquidity crisis, this crisis in credit, is threatening the ability of our economy to function efficiently, to provide resources, credit, and loans not just to homeowners, but to industry and business as well.

So the White House acted today, and I applaud their action, but it is timid. The proposed plan will only address a very small fraction of the foreclosure problem, and the Administration has yet to talk about and deal with the larger issues of economic growth and continuing an adequate supply of credit in our economy.

According to Treasury officials, and an analysis that has been done by financial institutions, this initiative will help about 200,000 people. But the reality is there are millions of Americans who are facing the danger of foreclosure. This 200,000 is just a small fraction. It is better than zero, which was the President and the administration's position just a couple of months ago as they worked on this, but it is not adequate to the daunting challenge of the foreclosure crisis which is facing America today.

Indeed, the plan itself relies on a very complicated and, indeed, convoluted process. There are two classes of inquiry. First, they have to determine if the borrower is eligible for this relief, and then they have to go through another analysis to determine what type of relief the borrower would be eligible for. In addition, it appears the borrower is in the position of having to contact their lender or servicer if they would like to figure out if they are eligible for a loan modification. This is not the responsibility of the lender or servicer. In other words, this is not a systematic approach to relief. This is rather a case by case approach, involving very elaborate procedures which I don't think will in effect reach all the eligible homeowners who are in danger of losing their homes. I think this approach is backwards. It should be the obligation of the lenders and servicers to reach out to the borrowers who are in danger of default, to help walk them through the process. And it should be a much more efficient process.

Today the President offered an 800 number to borrowers, but there are a profusion of 800 numbers, all the way from buying a salad maker to buying an exercise machine. I don't think an 800 number is going to be able to engage people who are fearful about losing their homes and actually get them involved in this process and keep them involved. So I think this is a shortcoming in the approach, which is already a limited approach.

Finally, this plan has not been ratified and accepted enthusiastically by all of the important investors and the other industry players. The final plan was characterized as an agreement with the HOPE NOW industry coalition. This coalition consists mainly of trade groups and has no real ability to implement the plan. They are not the spokesperson for all of the people who will actually have to do the work, and the list of members seems to be a partial list at best.

So for many reasons this plan is really just a set of guidelines regarding how the Administration would like to see part of this problem worked out but does not have the action-forcing devices and the incentives for the servicers, the lenders, and all of the people who really can make this work to go out and put it into effect.

We need to do much more, and there are several things we should do. We need to do much more because this is a burgeoning crisis. I can recall last April convening a committee meeting, as I chair the Subcommittee on Securities, Insurance and Investment, and we had witnesses from some of the major investment banks in New York City and the rating agencies. We had individuals who were facing the problem of foreclosure, and at that point industry was describing this as a rather narrow, self-contained crisis pertaining only to subprime mortgages. They talked in terms of this being about a $19 billion problem, which in a worldwide economy is not a staggering amount of money. It is to you and I, but not in a worldwide economy. And they also essentially said, well, this is over. The market has already corrected itself.

It is not over. It is now spilling over into other forms of securities. It is now eroding, as I suggested initially, because of psychological factors as well as financial factors, confidence in the overall banking system and the economy's ability to function.

In the newly released Mortgage Bankers Association National Delinquency Survey, the rate of loans entering the foreclosure process was approximately .78 percent. That is up 32 basis points from 1 year ago. This is a problem that is growing. This is not at all a self-contained problem. This is a growing problem. This is the highest

rate of loans entering foreclosure ever recorded in this survey—ever recorded, going back many years. So this is not only an increasing problem, it is a significant problem in our economy and in the lives of Americans everywhere. The percentage of loans actually in the foreclosure process also increased to 1.69 percent, which is also the highest level ever recorded.

In Rhode Island, we have the dubious distinction, Mr. President, of the highest foreclosure rates in New England. The percent of loans that were seriously delinquent or in the process of foreclosure in the third quarter of this year was 3.23 percent, and the percent of subprime loans in this category was 14.97 percent. So for our own home State, we are seeing an explosion of these foreclosures.

We are also seeing, simultaneously, the largest price declines in the housing sector since the Great Depression. Not only are people losing their homes, but those who are still paying their monthly mortgages are seeing the value of their homes diminish significantly. For so many people, that was their whole source of wealth. In fact, I would suggest that it was one of the major reasons that consumption and consumer activity were so robust over the last several years. As energy prices went up, as other factors intervened, what kept consumers in the game was this notion they were wealthy because their house was appreciating every year. That has changed, and that will have an effect.

At least one housing expert I talked to thinks this housing downturn is going to be one of the longest we have experienced in the last 50 years. Instead of lasting an average of 24 months, he expects it to last up to 48 months, which would take us to at least 2 years from now.

What we know now is that the banks and the rating agencies underestimated the underlying risk in many of the financial products offered to home buyers, and their actions have resulted in serious consequences to the availability of credit and to the capital markets in both our economy and the worldwide economy. What started out as a problem centered on subprime loans has spread to other parts of the market and the economy. And there need to be serious policy recommendations to address these problems as well.

Now, what we have to do is a series of steps, none of which is the magic solution, but they are all collectively important. We cannot stop today with the announcement by the administration. Secretary Paulson himself has urged Congress to pass the FHA Modernization Act. The administration should take the next logical step and not simply be cheering from the sidelines, but get in the fight and encourage those in this body who are holding up that FHA bill to let it go. Words are important, but deeds are more telling. So if the Secretary is truly interested in getting that bill moving, he needs to come up here and be talking to the members of the Republican caucus who are holding up this bill.

We also need the administration's leadership in passing bankruptcy reform. Senator DURBIN has an excellent bill that will allow borrowers and lenders to renegotiate the terms of their mortgages so that people can stay in their homes as part of a bankruptcy proceeding.

We need Tax Code changes so that borrowers would not pay Federal taxes on the debt discharged by lenders on their home mortgages the so-called short sale. There are some people who recognize they can't keep their home. They can sell the home at a loss, and with an agreement from the lender at a price less than the value of their mortgage. The lender takes this discharge as a loss, and the IRS, under current tax law, determines that this is income for the borrower and taxes it. We need to change that.

In fact, Senator STABENOW has a bill to do just that, and it was part of the proposal that Senator BAUCUS offered earlier today in conjunction with AMT.

Finally, I think we have to have a substantial increase in the availability of housing counseling, and this is included in the bill I introduced, called the HOPE Act. An increase in housing counseling funds is also in the appropriations for Transportation, Housing, and other agencies bill which has received a veto threat from the President.

In the HOPE Act, I also have suggested that we include mandatory loss mitigation requirements; that a lender has the obligation to work with a borrower to see if there is a way to avoid foreclosure if it is economically feasible to do so.

We need to work together—the Congress, the administration, the regulators, and the industry—toward the goal of keeping American families in their homes, and we also have to recognize that if we don't act coherently, comprehensively, and in a timely fashion, what presented as a small subprime loan crisis and has burgeoned into a national foreclosure crisis could undermine economic progress in this country and maybe across the globe.

Time is wasting. We have to move forward. I urge my colleagues to do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

TEMPORARY TAX RELIEF ACT OF 2007

Mr. BAUCUS. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to consideration of the House AMT bill, H.R. 3996; that all after the enacting clause be stricken, and the text of Senator BAUCUS's amendment, No. 3804, providing for a 1-year, unpaid-for AMT extension be substituted in lieu thereof; that the time between now and 6:15 p.m. be equally divided for debate between the two leaders or their designees; that at 6:15 p.m. the bill, as amended, be read a third time, and the Senate, without any intervening action or debate, vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I would ask that the agreement be modified to add tax extenders unpaid for.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, at this point, if the Republican leader would modify that to provide for the extenders package with the offsets in Senator BAUCUS's earlier amendment, we could agree to that. I wonder if he could agree to that.

Mr. MCCONNELL. Mr. President, I would have to object to that modification.

Mr. BAUCUS. Mr. President, on behalf of a number of Senators on this side, I would have to object to the Republican modification, and I renew the original consent request.

The PRESIDING OFFICER. Is there objection to the original unanimous consent request?

The Chair hears none, and it is so ordered.

Under the previous order, the Senate will proceed to the consideration of H.R. 3996, which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3804

The PRESIDING OFFICER. All after the enacting clause is stricken and the text of the Baucus amendment, No. 3804, is substituted in lieu thereof.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tax Increase Prevention Act of 2007''.

SEC. 2. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended—

(1) by striking ''($62,550 in the case of taxable years beginning in 2006)'' in subparagraph (A) and inserting ''($66,250 in the case of taxable years beginning in 2007)'', and

(2) by striking ''($42,500 in the case of taxable years beginning in 2006)'' in subparagraph (B) and inserting ''($44,350 in the case of taxable years beginning in 2007)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking ''or 2006'' and inserting ''2006, or 2007'', and

(2) by striking ''2006'' in the heading thereof and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Mr. BAUCUS. Mr. President, I am gratified that at long last the Senate is acting to keep the alternative minimum tax from hitting 19 million more American taxpayers.

We tried to save those 19 million families from AMT on November 15, when the majority leader asked the Senate to do so. We tried to save those 19 million families from the AMT on repeated occasions this week. Most recently, today we tried to save those 19 million families from the AMT by moving to the House-passed bill. When the other side blocked us, we tried to save those 19 million families from the AMT by asking consent to pass the legislation that we have before us now. But at every step, the Republican caucus objected.

I am gratified that at long last the Republican caucus has agreed to let us act. Perhaps the third time is the charm—or the fourth or the fifth. In any event, here we are.

I will support this effort to save those 19 million families from the AMT. The bill before us is plainly not my first choice of how to do so, but this is our best choice to do so. Let me once again remind people why we need to act. That is, we need to act because if we do not, nearly 12 million families with incomes between $100,000 and $200,000 will pay the AMT next year. We need to act because if we don't, 5 million families with incomes between $75,000 and $100,000 will pay the AMT next year. We need to act because if we don't, remarkably, nearly 2½ million families with incomes of less than $75,000 will have to pay the AMT next year. We need to stop that from happening. We need to keep the AMT from hitting any more families than it already does.

I urge my colleagues to join me in voting for this bill.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will yield myself such time as I might consume.

I am obviously very pleased that the Senate has finally come to the point of voting on something in 2007 to take care of the alternative minimum tax problem. I would rather have gone through this process several months ago but better late than never.

Over the course of this year, I have given 12 Senate floor speeches analyzing the alternative minimum tax and describing the problem it poses for middle-class taxpayers, and I have done that in great detail. As I said so many times—before, hoping, and now I am glad to say the Senate Democratic leadership seems to realize—the AMT should not be offset.

I also wish to thank my good friend, Chairman BAUCUS, for all of his hard work this year and for several years to protect middle-income taxpayers from the AMT. Chairman BAUCUS did our country a great service by pushing for this compromise that can garner, we hope, the support of Democrats and Republicans. Although we did not mark up in committee, Chairman BAUCUS rolled up his sleeves and got to work to find a middle ground. That middle ground is before us. He has consistently avoided bitter partisanship and always worked to do the right thing.

Tonight, I ask my friends in the House Democratic leadership, assuming we get the votes to pass this product before us, to follow the example of Chairman BAUCUS and the Senate Democratic leadership and finish this job to give the assurance that is necessary to these 23 million taxpayers that they are not going to be hit by a tax they were never expected to pay in the first place.

Everyone has thus far made partisan points. That episode must cease. Those obsessed with their tax-increase-biased version of pay-go must turn now to the people's business. Those who want to raise more taxes to pay for a tax that was never meant to raise revenue from the middle class have made their points. The record is clear. My friends in the House Democratic leadership need to cease punishing the 23 million middle-income taxpayers with a pay-go obsession.

I say to my friends in the House Democratic leadership, we can talk until we are blue in the face. The bottom line is we need to change the tax laws with respect to AMT. That law change needs congressional action and Presidential signature. Anything else is just plain talk.

Last night, I suggested a path to get all parties to an agreement on changing the law on the AMT patch. By ''all parties,'' I am referring to House Democrats, House Republicans, Senate Democrats, Senate Republicans, and I have to include the President because without an agreement we will not get a law, and a law has to be signed. Without a law change, 23 million families face an unexpected tax increase that we think will be about $2,000 per family. Without a rapid law change, we make things even worse during filing season. We are going to have a fiasco of another 27 million families and individual taxpayers hurt, waiting for a refund.

I reiterate my suggestion tonight. It is in a letter from Chairman RANGEL, Chairman BAUCUS, Ranking Member MCCRERY, and myself. That letter, dated October 31 this year, contains the tests that ought to be applied to any proposal in substance or process on the AMT patch legislation. Here is one sentence, ''We''—the four of us:

> We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year.

Chairman BAUCUS and the Senate Democratic leadership are trying to meet this test with this agreement which is before us now. Now the Democratic leadership in the House needs to follow through. We Senators hopefully will pass this package that is agreeable to the President and the House. What do we all agree on? We agree the patch needs to get done, so that is the base of what will pass the Senate, we hope. If House Democrats continue to insist on offsets for a patch—we hope that doesn't happen.

The President and congressional Republicans disagree with the Democrats on the need for offsets. Offsets for the patch are not mutually agreeable, as the letter we sent implies. They fail the tax writer's test. On extenders, the House wants 1 year, the Senate wants 2 years. President Bush had 1 year in his budget. Maybe 2 years might be mutually agreeable. On this point, offsets are not mutually agreeable. But it looks as if we will defer on next year's extenders.

On this year's AMT patch, we need to make law. To make law, the proposals must be mutually agreeable. The only proposal that is mutually agreeable is an unoffset AMT patch. Let's get to the law change and end the AMT patch dilemma.

I urge the House Democratic leadership to pass the AMT patch bill and send it to the President. It is in a form the President will sign. We must change the law now. We owe it to the 23 million families who could be hit by the AMT. We owe it to the additional 27 million families and individuals who face delayed refunds.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, first of all, I thank my good friend for his warm compliments. I deeply appreciate it. He is a gentleman. He is a good man. I thank him very much for that.

I see Senator SHERROD BROWN would like to speak. We are getting close to 6:15. I wonder if Senators might agree to extend the time allowable for debate until we finally vote, say, 10 more minutes equally divided on both sides, if that is agreeable to the Senator from Iowa?

I ask unanimous consent and make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Ohio is recognized.

Mr. BROWN. I thank the Chair.

(The remarks of Mr. BROWN pertaining to the introduction of S. 2431 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WHITEHOUSE. Mr. President, it is with great reluctance that I plan to oppose the AMT bill before us. While I strongly support providing AMT relief to middle-class taxpayers, I simply cannot support an AMT patch that is not paid for. Let's be clear on what we are doing here today: we are voting on a bill that will require us to increase our deficit by $50 billion. Our children and grandchildren will have to pay

back the funds we are borrowing today, with interest.

There are many ways we could have been responsible and paid for this measure, but the President of the United States and the Republican Congress have refused to consider them. One option in a bill that I introduced would have paid for this AMT relief by increasing the taxes on investment profits for millionaires, many of whom enjoy an unjust tax benefit that allows them to pay a lower tax rate than struggling middle-class families. Under my proposal, a small number of taxpayers with incomes over $1 million per year could have funded a patch to benefit approximately 20 million Americans.

The President of the United States and the Republicans in Congress believe that borrowing money from foreign nations, for our children to repay, is the best way to finance our government. I do not, and therefore I must oppose this measure.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't see anybody who wishes to speak now, but we do have to wait a few minutes before we call the vote.

I suggest the absence of a quorum, with the time being equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. What is the regular order?

The PRESIDING OFFICER. There is 10 minutes of debate left.

Mr. DOMENICI. Ten minutes of debate left, 5 on each side?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. If Senators are not here to use it, they can yield it back so we can vote, can't they?

Mr. BAUCUS. We have to wait a few minutes.

Mr. DOMENICI. Oh, sorry. I was in the same position. I wanted to go, they have to come. We have to yield to them.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Iowa and the Senator from Montana for bringing the bill to the floor. Earlier in the day, we had a discussion about the underlying bill, which is the bill that came over from the House, and the reservations I had about this, specifically the fact that it raises taxes.

It raises them in an inappropriate way, in a way, in my opinion, which would chill economic expansion in this country, would undermine our ability to create capital in this country and, as a result, would undermine the ability of entrepreneurs to go out and create jobs.

It would have the effect of exporting jobs offshore, as a practical matter in the financial markets and, unfortunately, would probably have an equally detrimental effect of encouraging places such as London to become even more aggressive as they compete for our capital formation activity, which has always historically occurred in New York City, which plays a large role in the energy of our Nation's economy.

So the underlying bill has serious problems as it came over from the House. It also had a specific earmark to basically benefit essentially 290 people who are using the Virgin Islands as a tax shelter. It had another specific earmark to benefit State legislators who would get a per diem for not even showing up at their State legislature. It was a very poor bill.

The proposal as brought forward from the Senator from Montana is an excellent approach: Let's take care of the AMT for next year. Let's move on. Let's do this quickly so the people who are being subject to this or may be brought into this improperly, who were never supposed to be brought into this, can be relieved of that burden.

Of course, there is the issue of whether there should be an offset. Well, of course, there should not be an offset. Looking at it from a budgeteer's standpoint, in my opinion, these are all phantom funds. We basically know the alternative minimum tax is not going to generate these revenues that we score as coming in because we know the AMT was never intended to tax 26 million Americans or 20 million Americans. We know that.

But because of the rules, the arcane rules we have around here for budgeting, we basically have to include those revenues in this baseline, even though we know we are never going to tax people at those levels because it would be totally unfair and inappropriate. So I congratulate the Senator from Montana and the Senator from Iowa for coming forward with this approach to resolve this matter. I look forward to voting for the proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Chairman of the Finance Committee. I thank him for his leadership and the leadership of the Senator from Iowa in attempting to address the problem we confront.

I rise today as chairman of the Budget Committee in direct contradiction of my colleague on the other side to say: When nobody anticipated using these revenues: Really?

How it is then that all this money was in the President's budget? All this money was in every budget printed by Republicans and Democrats. The only way any of these budgets balance is with this revenue.

Now, I would acknowledge it makes absolutely no sense to tax these people with the alternative minimum tax. It was never adjusted for inflation. That would not be a fair outcome. But it ought to be paid for. The revenue ought to be replaced, either by spending cuts or by other revenue.

Because if we do not pay for it, we are going to borrow it. Where are we going to borrow it? Well, we are going to borrow about half of it from abroad, most of it from the Chinese and the Japanese.

So while I very much recognize the difficult situation we are in, and I applaud the chairman of the Finance Committee and the ranking member for grappling this, with trying to find a way to handle this problem, I cannot support providing this measure without it being paid for. That is what pay-go is about, to require that any new spending or new tax cuts or other revenue changes be offset. If we do not do it, we have to borrow it. We increasingly have to borrow it from abroad. That is not a wise course to pursue. Again, I recognize the extremely difficult situation we are in because some will resist doing anything other than allowing AMT to be eliminated for this 1 year without an offset.

I, personally, think that is a mistake. I think it is a mistake for the country. I think that money ought to be replaced, it ought to be offset. Again, when people say: Well, nobody ever anticipated this revenue, that is not the case. Everybody who wrote a budget around here anticipated it. Every single budget, including the President's, including every budget written by Republicans or Democrats, included this revenue.

While it would be a serious mistake to allow the AMT to go forward and hit 23 million American families, I believe the answer is to pay for it.

Mr. REID. Mr. President, I ask unanimous consent that my time not be counted against the time that is remaining under the previous unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have a number of Senators because of the bad

weather who are caught in traffic. I have two alternatives. One is when time is up, go into a quorum call. What I would like to do, because I know other people want to get the vote over and leave, what I would like to do, is let everyone know I would drag the vote. We do not have anything to do after the vote anyway. Unless there is some objection, I would let people know we are going to not be able to complete the vote probably until around 7 o'clock. I have two people, I understand one is a Democrat, one is a Republican. So if no one complains, I am going to go ahead and let the vote occur as required at approximately 6:25, and then I will drag the vote. Does anybody care about that?

Mr. President, it is my understanding the Democrats, under the control of Senator BAUCUS, are ready to yield back time. I want everyone to understand the vote is going to take more than the ordinary 15 minutes.

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The Senator yields back.

Mr. BAUCUS. Mr. President, I assume all time is yielded back?

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Ohio (Mr. VOINOVICH).

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 415 Leg.]

YEAS—88

Akaka	Byrd	Dole
Alexander	Cantwell	Domenici
Allard	Cardin	Durbin
Barrasso	Casey	Enzi
Baucus	Chambliss	Feinstein
Bayh	Coburn	Graham
Bennett	Cochran	Grassley
Bingaman	Coleman	Gregg
Bond	Collins	Hagel
Boxer	Corker	Harkin
Brown	Cornyn	Hatch
Brownback	Craig	Hutchison
Bunning	Crapo	Inhofe
Burr	DeMint	Inouye
Isakson	McCaskill	Sessions
Johnson	McConnell	Shelby
Kennedy	Menendez	Smith
Kerry	Mikulski	Snowe
Klobuchar	Murkowski	Specter
Kohl	Murray	Stabenow
Kyl	Nelson (FL)	Stevens
Landrieu	Nelson (NE)	Sununu
Lautenberg	Pryor	Tester
Leahy	Reed	Thune
Levin	Reid	Vitter
Lieberman	Roberts	Warner
Lincoln	Rockefeller	Webb
Lott	Salazar	Wyden
Lugar	Sanders	
Martinez	Schumer	

NAYS—5

Carper	Dorgan	Whitehouse
Conrad	Feingold	

NOT VOTING—7

Biden	Ensign	Voinovich
Clinton	McCain	
Dodd	Obama	

The bill (H.R. 3996), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent that there be a limitation of 20 first-degree amendments per side on the farm bill, H.R. 2419, that they be from the original list of amendments already agreed to; that all other provisions of the previous agreement continue in effect; and that the managers' amendments cleared by both managers not be counted toward the 20.

The PRESIDING OFFICER (Mr. BROWN). Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT H.R. 6

Mr. REID. Mr. President, I further ask unanimous consent that following the prayer and the pledge tomorrow, the Senate proceed to the message from the House on H.R. 6, the comprehensive Energy bill; that notwithstanding the receipt of the papers, the majority leader be immediately recognized to move to concur in the House amendment and to file cloture on that motion; that there be 20 minutes equally divided in the usual form for debate on the majority leader's motion, followed by a cloture motion on that motion; that there be no other motions or amendments in order prior to the vote; further, that the cloture vote on the substitute amendment to the farm bill be delayed to occur at a later time, to be determined by the majority leader after consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, certainly the Senate is a place for squabbles. We have had lots of them. But also with the work that has to be done in this body, sometimes it takes a little debate here and there.

Today has been an important day for the Senate. We have been in a quorum call a lot. But during the time there were speeches being made on rare occasion here, there was a lot of work being done. The AMT is now done. I don't know that that is the case yet, but I heard that the House indicated they will accept our bill. That is quite important.

We have been working for weeks on the farm bill. A cloture vote is set at 9 o'clock in the morning, or whatever time we agree to. Maybe we would have gotten cloture on that, I don't know. I am happy with this agreement. It will be a lot of work, but we will finish the farm bill before we leave, unless something untoward happens.

This has been a day of progress. Tomorrow we will finish work on the farm bill, and there will be one vote. After we do that, the two managers, Senators HARKIN and CHAMBLISS, said they will work through amendments tomorrow. There are a lot of amendments that can be agreed to. We want Senators, tomorrow and Monday—there will be no votes on Monday, but if Senators feel strongly about an amendment, work with the managers and have that offered and have that be one of the 40. Hopefully, we can set up votes for Tuesday and finish the bill sometime before we leave here.

On the Energy bill, we are going to have a cloture vote in the morning. From all indications I have gotten from the minority, cloture will not be invoked. I will give a speech and others will. We would have Saturday, Sunday, and Monday to try to come up with how we are going to proceed on this matter afterward. I hope we can work something out by consent; otherwise, because of the way we have the bill, I have the authority to do certain things. I would rather do it by consent. I will do the best I can to be as cooperative as possible with the minority. It is an extremely important piece of legislation. I think there is a mindset of everyone here to do an energy bill. The question is, what is in it? If we have a bill, will it be signed by the President?

I understand all of the moving parts of the bill. But we have made progress today with AMT, the farm bill, and now the Energy bill, on which we have had an agreement to move this up 1 day and not be here Saturday.

For everyone who thinks we don't get a lot done, we and our staffs will be heavily involved in the matters I have outlined over the weekend. So I appreciate the cooperation of the Senators to get to the point where we are, and I feel pretty good about the day's work.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me just say I do agree with the majority leader that we made some substantial progress today. First of all, on the principle that in order to extend tax relief to one set of Americans we don't have to raise taxes on another set of Americans, all but five Members of the

Senate concurred in that approach to extension of the AMT relief. I think that is an extremely important principle to be established in the Senate.

With regard to the farm bill, there is widespread agreement on both sides of the aisle that we ought to pass a farm bill and we ought to pass it as soon as possible. I think getting the consent agreement to get the amendments down to 20 on each side is a significant step in that direction. I am pleased to hear the majority leader would like for us to stay on that bill, make progress on it, and finish it before Christmas. That is certainly my view as well.

With regard to the Energy bill, we understand there are two highly contentious, well-publicized provisions of tax increases that have been inserted by the House: At a time when oil is close to $100 a barrel, many of us think a tax increase is not a good idea, and the wind mandate, which is particularly onerous on those of us in the Southeast where there is not much wind, which basically means, in effect, a mandatory rate increase for utilities and for utility ratepayers all across the Southeast. I am hopeful we can get those two items out of that bill.

The President has indicated he will veto the bill, and I think there is a view on the other side of the aisle, as well as on our side, that we would like to have an energy bill actually enacted into law; that is, signed by the President. As the majority leader has indicated, hopefully we can get those problems removed from the Energy bill next week and move toward a Presidential signature.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico is recognized.

Mr. REID. If my friend will allow me.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, this has been cleared by floor staff. The unanimous consent request I just entered needs a clarification. So I ask unanimous consent that it be clarified that nothing else be in order prior to the vote tomorrow morning—no points of order. I think there is a general understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I just want to say that I have no objection. I wish to comment on the Energy bill. It has been a long time getting here, and it still is not finished. There are provisions of that Energy bill that, if passed, will be superb for the people of this country. It is too bad the bill is laden now with two provisions that we did not have in our bill, that we did not contemplate. We will have to work our way and see what happens. They are serious. They are serious enough to cause the President to veto the bill. I am hopeful we will be able to find our way to get those two provisions out—the tax provision and the provision with reference to mandatory 15-percent alternative energy fuels in our States. Those two are very difficult. If we keep any of them in, our work is going to be for naught.

So I hope everybody understands the situation. It will be an excellent bill without those provisions, and there may be a few other cleanup provisions we need in the House bill. We will work on them in the next few days.

I thank the leaders.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. What is the floor situation, Mr. President?

The PRESIDING OFFICER. The President pro tempore is notified there are no orders in effect.

Mr. BYRD. Mr. President, I speak out of order for no more than 10 minutes.

100TH ANNIVERSARY OF THE MONONGAH, WEST VIRGINIA, MINE DISASTER

Mr. BYRD. Mr. President, as a son of West Virginia's southern coalfields who grew up in a coal miner's home and married a coal miner's daughter, I note that today is the 100th anniversary of the Monongah, WV, mine disaster, a particularly momentous and solemn observance for the coal miners of West Virginia.

The Monongah, WV, mine disaster remains today the worst industrial accident in American history. At least 362 coal miners lost their lives in that explosion on that cold December day, December 6, 1907. The truth is, some of the miners inside Fairmont Coal Company's No. 6 and No. 8 mines were boys—mere children, in fact—whose names did not appear on the company's official ledgers. So we may never know exactly how many lives were lost inside that mine on that dark day.

Sadly, many more miners across West Virginia and the Nation would perish, including another 78 miners in an explosion in that same West Virginia community a little over 60 years later, before Congress would respond with the Federal Coal Mine Health and Safety Act of 1969.

Coal miners are a different breed. Coal miners are bound together in ways perhaps not unlike the bonds that develop between soldiers or others whose occupations are inherently dangerous. Coal miners share a vocabulary foreign to most outsiders. Coal miners must place great trust in the persons next to them for their safety. Although mortal danger stalks them daily, in every minute of every day, this mutual trust and mutual dependence creates unusually strong bonds. Coal miners enjoy an unusually deep camaraderie.

Today in Indiana, Kentucky, Ohio, Pennsylvania, Montana, Virginia, Utah, Alabama, Wyoming, and West Virginia, coal miners are marking the 100th anniversary—that is today—of the Monongah, WV, mine disaster. They do it with reverence, and they honor their survivors. In West Virginia, we also mark December 6 as Miner Day and celebrate all coal miners—past, present, and future.

Coal remains today, this very moment, the backbone of America's energy supply. Over half of all the electricity we consume every day—and some of it is burning here tonight in the ceiling of this Hall—over half of all the electricity we consume every day is provided by coal miners. We must protect those coal miners. The names Alma, Darby, Crandall Canyon, and Sago remind us that mine disasters are not simply a part of the coal industry's past; they are part of our present.

As we remember the miners who lost their lives at Monongah on that cold December day in 1907, let us also recommit ourselves to protecting the health and the safety of all those men and women who so bravely toil in our coal mines today. May we also take a moment to consider that the current political debate regarding the future of coal—black diamonds—in our national energy policy is taking place under lights—right here, for example—under lights illuminated by the work of coal miners, in the warmth of furnaces fueled by coal miners and completely independent of any foreign sheik or imam, thanks to coal miners—coal miners such as my dad, coal miners such as my wife's father, coal miners such as my brother-in-law. Coal miners, coal miners, coal miners—may God bless them.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SNOWSPORTS OUTREACH SOCIETY

Mr. SALAZAR. Mr. President, I rise today to acknowledge the work of the Snowsports Outreach Society, SOS Outreach, based in Vail, CO, which is dedicated to providing outdoor recreation and confidence-building opportunities to underprivileged youth.

The snow sports industry is an essential part of Colorado's lifestyle, economy, and image. Colorado's mountainous terrain and world-class resorts have set the standard for the ultimate experience in sliding on snow. As a skier, I understand the importance of this outdoor activity—in all its forms—

for its health benefits as well as the recreation economy of Colorado and the country's ski resorts.

SOS Outreach complements the benefits of snow sports by providing dynamic programs to 2,500 youth in need nationwide. During the current season, 2,000 Colorado participants will be enrolled in a 7-year curriculum. I am proud to recognize the work that they do to grow the sport and promote positive self-esteem in their participants.

Now celebrating its 14th anniversary, SOS Outreach was founded in Vail, CO, in 1993. SOS Outreach is a grassroots, 501(c)(3) organization. Through the work of its founder and executive director, Arn Menconi, and former director of snowboarding for Vail Resorts, Ray Sforzo, a charity was developed that appealed to the mountain resort's desire to build the community by serving underprivileged youth.

SOS Outreach first introduced youth to the benefits of outdoor recreation during the 1995/1996 season when they taught 40 youth snowboarding. They were provided with one day of free lessons, equipment, and lift tickets. Since their first season, SOS Outreach has partnered with mountain resorts, youth agencies, foundations, corporations, and individual donors to expand its nationally recognized curriculum and serve over 7,500 youth. SOS Outreach is further leveraging their partnerships to expand their programs and include skiing. Over 7,000 program days will be provided at 29 resorts across the country, 13 in the State of Colorado.

SOS Outreach provides participants with a high-quality, resilience-based program that positively impacts a participant's self-esteem and ability to participate positively within their communities; supports underserved youth through adult mentorship; and encourages personal character education through SOS Outreach's five core values: courage, discipline, integrity, wisdom, and compassion.

SOS Outreach would not be successful without the substantial support of the following individuals and organizations. I would like to recognize and thank each of them for sustaining such a program in Colorado:

Bill Jensen and Kara Heide of Vail Resorts; Ken Gart and everyone at Specialty Sports Venture; Chris Ryman of Booth Creek Ski Holdings; Colorado Mountain Resorts for their donation of lift tickets, lessons, and rental equipment; Harry Frampton and Ceil Folz of the Vail Valley Foundation; Robert Veitch of the Harold W. Shaw and Mary Louise Shaw Foundation; Linda Childers of the Daniels Fund; William Hybl of the El Pomar Foundation; Bill Cotton of Optic Nerve Sunglasses; Robert Marcovitch of K2 Inc.; Mike West of 686; Wendy and Mike Carey of Seirus; Chaos Hats; Ride Snowboards; Salomon Sports; Sutherland Foundation; Bob Hernreich; Kay and Craig Tuber; to the staff of SOS Outreach: Arn and Anne Menconi, Michelle Hartel, Jon Garrou, Seth Ehrlich, Jody Link, Thersa Bisio; and the hundreds of adults that give of themselves to be positive mentors to these young people.

Mr. President, I wish to recognize SOS Outreach for its work and extend my wishes for its continued success.

Mr. COBURN. Mr. President, I object to the unanimous consent agreement to pass S. 2338, the FHA modernization bill.

The Senate has twice attempted to pass a complex and critical mortgage reform bill without the opportunity for debate or amendment. I certainly understand the importance of this issue, which is why I believe the bill must be afforded time for proper scrutiny and debate by the Senate. It is naïve, irresponsible and reckless for the Senate to claim it can fix this national challenge by rubberstamping our approval for this legislation without the opportunity to improve the bill through amendments.

More importantly, however, this bill is not the proper response to the housing crisis. This bill increases the availability of government-backed mortgages, adding a liability to the taxpayer of $1.6 billion in government-backed loans. This bill greatly increases the loan limit which the government may insure, while simultaneously decreasing the down payment requirement for borrowers. This only makes taxpayers liable for billions of dollars in loans that may default. The solution to the mortgage crisis is fewer risky loans, not more.

Proponents of the legislation have argued that this bill is a low-risk way for the government to prevent future subprime foreclosures. However, this bill only creates more opportunities for borrowers to receive government-backed loans, increasing the liability on American citizens, but not preventing the possibility of delinquency or default.

According to a recent analysis by the Wall Street Journal, many subprime borrowers are not delinquent because they cannot afford increasing adjustable rates, but because they cannot afford their initial rates in the first place. The Wall Street Journal states:

> It is true that many subprime borrowers were sold a toxic mortgage by unscrupulous mortgage brokers. However, the primary reason for the spike in subprime delinquencies so far is that many subprime borrowers have taken on more debt than they can pay back using any reasonable interest rate.

It would be unconscionable to shift this burden on to the Federal Government, especially at a time when our national debt stands well over $9.1 trillion, or $30,132 per citizen.

Sixty-one economists from universities and think-tanks from across America released an open letter to the U.S. Congress advising against ''excessive new regulations or federal interventions'' to deal with credit repricing in the subprime mortgage market. The letter warns: ''Legislation to create new underwriting standards will reduce competition and restrict consumer access to credit. Additionally, efforts to bail out or shore up lending institutions create a moral hazard that would slow the adjustments required in the marketplace. . . . These [bail out] proposals would fundamentally alter the workings of the mortgage market, leaving consumers with fewer choices when seeking to buy a home and potentially increasing taxpayer exposure for bad loans.''

The American people agree that making government-backed loans more available is not the right response. According to a survey conducted by Harris Interactive on behalf of the National Taxpayers Union, NTU, when asked which statement most closely reflects their views of allowing Federal agencies to increase the size of the loans they can insure and reduce down-payment requirements, 66 percent of respondents answered that ''these proposals are nothing more than a taxpayer-funded bailout of banks and lenders that provided and profited from these risky loans.'' Furthermore, 60 percent of respondents said taxpayers would be most negatively affected if the government were to bail out the subprime mortgage market.

I do believe the Senate should debate this issue, and examine what can be done to keep borrowers from defaulting and ensure that Americans are able to stay in their homes. I believe lenders must take responsibility for their loans, including full disclosure about the terms of the agreement and the possibility of default, and borrowers must be responsible for the agreement into which they enter. Mortgage brokers, real estate agents and other lenders should be transparent with their lending conditions and must be accountable for full disclosure to borrowers. However, I do not believe it is the job of the government to bail out default mortgages and loans and it is not the proper role of the government to insure loans with taxpayer dollars.

TRIBUTE TO MAJOR THOMAS A. ROGERS.

Mr. DOMENICI. Mr. President, I rise to recognize MAJ Thomas A. Rogers, Jr. of the U.S. Air Force for the exceptional work he rendered this past year while serving as a legislative fellow on my staff. Major Rogers is completing his Capitol Hill fellowship this month, and it is my hope that he has benefited as much from this experience as have I from having him on my staff.

In 1995, after his graduation from the Washington University Law School in St. Louis, Major Rogers received his commission in the U.S. Air Force. Since that time Major Rogers has served at base legal offices from Korea to Germany, as an area defense counsel, as the deputy chief, plans and requirements, Air Force Legal Information Services, and as an instructor at the Air Force Judge Advocate General School. Major Rogers has also deployed to Saudi Arabia and Afghanistan in

support of the global war on terror. Major Rogers has received numerous awards and commendations during his service including the Bronze Star and the Air Force Meritorious Service Medal. He was also honored in 2005 as the 20th Air Force Outstanding Young Judge Advocate.

Mr. President, I want to give my heartfelt thank you to Thom for his service. His eagerness to tackle issues which were new to him and to advance the goals I have set for my staff on behalf of both the men and women of the Armed Forces and the citizens of New Mexico were truly commendable. I have no doubt that as Thom continues his military career, he will achieve great things for both the U.S. Air Force and his country, and I wish him the very best of luck in all his future endeavors.

REMEMBERING GEORGE OSMOND

Mr. HATCH. Mr. President, I rise today to speak in honor of a friend of mine, Mr. George Osmond, who, on Thursday, November 6, passed away. While most people will likely remember George as the patriarch of one of our Nation's most famous entertainment families, he should also be remembered as a great humanitarian and entrepreneur.

George was born in 1917 in Star Valley, WY. As a young man, in 1941, he enlisted in the Army and served honorably during World War II. In 1944, he was stationed at the U.S. Army's General Depot in Ogden, UT, where he met his wife, Olive May Davis. George and Olive were married in December 1944 and had nine children, eight boys and one girl.

To most, George's early professional life was quite normal. He began his career selling real estate and life insurance. He later took a position as the Ogden Postmaster. During that time, his sons began to study music; George taught them to sing barbershop and helped them get invitations to perform at community events. His family first entered the national spotlight when four of his sons, Alan, Wayne, Merrill and Jay, formed a quartet known as ''the Osmond Brothers'' and began performing at Disneyland and on The Andy Williams Show.

Over the years, seven of his nine children would perform a variety of music styles all over the world. All counted, the Osmond family has recorded 142 albums, selling 100 million copies with 51 gold and platinum recordings. George, himself, worked as the manager of his children's music careers, working to make sure they remained grounded and focused on the importance of family.

One of the lesser known facts about the Osmond family is that two of the Osmond children, the oldest sons Virl and Tom, were born deaf. While these two sons were never music performers, they were closely involved with their father's charitable efforts, working with him to establish The Osmond Foundation, which later became the Children's Miracle Network.

The Children's Miracle Network is now headquartered in Salt Lake City and has, to date, raised more $3 billion, which is distributed directly to a network of 170 hospitals. These funds are raised specifically for children's hospitals, medical research and community awareness of children's health issues. It is the largest organization of its kind in the world and is, in addition to their many children and grandchildren, George and Olive Osmond's greatest legacy.

Mr. President, I knew George Osmond for many years. He was, above all else, devoted to his family and a man of integrity. I thoroughly enjoyed the opportunities I have had over the years to work with him and his family on several charitable endeavors. George was truly a remarkable man who leaves a long legacy here with us in his passing. I want to express my deepest condolences to George's family and thank them for their wonderful example of service.

ADDITIONAL STATEMENTS

REMEMBERING SALLY SMITH

• Mr. BAUCUS. Mr. President, I wish to recognize a great friend of mine and a wonderful woman and leader. Sally Smith passed away December 1, 2007, from complications related to myeloma. Sally founded the Lab School in Washington, DC, one of the premier educational institutions in the Nation for students with learning disabilities. The Lab School is a place where children with learning disabilities are nurtured, taught, given the tools to succeed and the opportunity to flourish. And nearly all of them do.

I had heard what an extraordinary place the Lab School is and decided I wanted to find out for myself. On a crisp autumn morning about 4 years ago, I decided to drop by the Lab School on my way into work. I was amazed as I walked into the Castle, which is the main building of the school. As Sally hadn't arrived yet, I was invited to wait in her office. The door was always open as Sally welcomed anyone and everyone. Soon a woman came in looking like a bright rainbow with brilliant colors flowing and dazzling from head to toe. As I spoke with Sally about the school and its mission I quickly came to understand what a unique and wonderful place this was. The Lab School is a safe haven for so many kids who are bright and smart and eager to learn but can't learn in traditional ways. Sally through her hard work and years of dedication has truly created a grand new doorway to education for kids who found the doors to other schools closed to them. From that day on I became great friends with Sally and supported the school in any way that I could. I have attended the annual Gala Awards Dinner which has raised much needed funds for the schools and honored people like Charles Schwab and Magic Johnson who had grown up with learning disabilities and struggled until they found a pathway to education. I always looked forward to visiting with Sally and offered to help in any way that I could.

Sally first saw the need for a school to help children with learning disabilities to learn and grow when her son Gary was in the first grade. While Gary was bright and creative, he was unable to read and do simple math. When Gary began to have trouble at school, his parents found that he had severe learning disabilities. The school he was attending gave them few options to help their son learn, and Sally began to realize that for Gary to excel and reach his potential he would need to be given the opportunity to learn in a way tailored to his unique needs. Using what she had learned in graduate school course work in education and observing that her son learned best through storytelling and acting things out, she set out in 1967 to create a school that would use these tools to teach children with learning disabilities.

Rather than learning through lectures and traditional textbook exercises, Sally set out to create a curriculum that would allow for artistic, visual, hands-on learning. She invited artist friends to serve as teachers and sought the help of many acquaintances to raise funds that would make the dream of the Lab School a reality. The Lab School has now for 40 years given students like Gary a chance to succeed. From this life learning opportunity, nearly all Lab School alumni graduate and over 90 percent find their way to college.

We can only imagine where these students would be without the love and dedication of Sally Smith. Where others saw kids who couldn't learn and were disruptive, Sally saw kids eager to learn and let their creativity bloom in their own special way. And why should these children, the future of our Nation, be pushed aside and forgotten about when they have so much potential and so many gifts to give?

The Lab School over the years has expanded and now has nearly 325 students enrolled. It reaches another 250 through tutoring programs for children and adults and many more through summer camps and outreach services. The school also opened a campus in Baltimore. Sally was also a professor at American University's School of Education and was in charge of the master's degree program specializing in learning disabilities. She has authored 10 books on effectively teaching students with learning disabilities and conducted workshops for educators of learning disabled children.

Sally's legacy and nurturing teaching style that sought to include and find the potential of each student will never be forgotten by those whose lives she touched. Not only did her students

learn a great deal from Sally, but we all can.

Mr. President, I ask that a copy of an article from the December 4, 2007, edition of the Washington Post entitled ''The Teacher at the Head of the Class'' be printed in the RECORD.

The material follows.

[From the Washington Post, Dec. 4, 2007]

THE TEACHER AT THE HEAD OF THE CLASS

(By Ellen Edwards)

At first glance you might have thought you had come upon some improbable tropical bird, full of color and feathers, dressed in layers of patterns on patterns, a pile of rolling blond curls on her head.

This, of course, is what captivated children when they first looked at Sally Smith, the founder and director of the Lab School of Washington, one of the nation's premier places for students with learning disabilities. She didn't look like any other adult in their experience, and they discovered she didn't think like any other head of school, either.

Sally Smith, who died Saturday from complications of myeloma at 78, looked right back at those young faces and saw potential, intelligence, the charm and grace of childhood.

Where other schools saw kids who didn't pay attention, she saw kids who viewed the world in creative ways. Where other schools saw frustration and anger, she saw kids desperate to learn, and she created a school for them. She gave them respect, she gave them hope and she gave them the tools to succeed.

Her own son's difficulties with learning caused her to look for ways to teach him, and from the beginning, even before she became a nationally known educator, she placed the responsibility directly on adults in charge. In the school handbook, Smith wrote, ''our philosophy is based on the belief that a child's failure to learn means that the teaching staff has not yet found a way to help him. It is up to the adults to seek out the routes by which each child learns, to discover his strengths and interests and to experiment until effective techniques are found.''

Anyone who ever met Sally has a story to tell. She was larger than life: in her size and presence, in her ambitions, in her throaty voice advocating her ideas. She cultivated artists, and often had them to her Cleveland Park home. She cultivated support for the Lab School, from wealthy and powerful potential donors to parents who could give only their time. Her fundraising gala highlighted learning-disabled achievers, who over the years have included Charles Schwab, Magic Johnson, Robert Rauschenberg, Cher and James Carville. In a closed-door session, the students would face those big names and ask blunt and painful questions: ''Did you feel stupid compared with your siblings?'' ''Were your parents embarrassed by you?'' ''How did you feel when you were asked to read out loud in class?''

The core of all of Smith's techniques, in her 10 books and the PBS series about her work, is empathy. I first heard her name a decade ago from a reading specialist in the Midwest when I was beginning to think I might have a dyslexic child.

You're near Sally Smith's school, aren't you?'' she asked me. ''That's the place.'' She said it with such confidence and certainty that I knew I had better figure out who Sally Smith was.

I met Sally first as a reporter, sitting in her office and listening to her talk about students the Lab School has taught. I remember in particular the story of the young boy who was good at numbers but not good at reading. The Lab faculty, which individualizes homework, a study plan, classwork, everything, for every student, put him in charge of the school store. He loved selling things. They found a way to catch his interest and motivate him to learn to read. He grew up and out of Lab, and, Smith boasted, had become a successful businessman.

She talked about another student who learned kinesthetically, through movement. The teachers spread patterns out on the floor for him to learn math, a map for him to learn geography, and he danced his way through learning.

She told me how often tears had been shed in that office, which was crowded with art from students and professionals, and which had an open door policy so vigorously enforced that most people didn't think she even had a door. Parents came to her desperate to find a school where their child would be accepted and challenged, where they could learn and not be warehoused until they dropped out. They brought with them horror stories from other schools that had treated their kids as if they were stupid, made them feel terrible about themselves and chucked them in the corner as a lost cause.

After a few months at Lab, they often wept again, with gratitude, because the school meant no more endless rounds of tutors and therapists. It meant free time after school for exhausted children who worked hard every minute of the school day. It meant an end to the isolation of parenting a child who learned differently, because the school community embraced the potential of these children.

Five years ago I met Sally again, but this time as the parent of a prospective student. It was clear my son had the family dyslexia gene, and reading was going to be a struggle. He enrolled for third grade, where 12 students in his class had four educators.

His lead teacher that year spent a long time figuring out how to get him interested in reading. Of course he was interested, but it was so hard and frustrating for him that he pushed it away. Finally, she realized his interest in baseball might do it. Every day, his homework consisted of reading lessons she had taken from news stories about baseball and had rewritten at his reading level. Every day she created a page of four or five questions for him to answer from his reading. Little by little, his reading got better. He was studying without realizing it. He thought he was just having fun.

This learning environment was Sally Smith's creation, her gift to the world of education. She saw how arts could teach all kinds of things, and she shaped the Lab School around the arts. She hired artists as teachers because she knew they would think creatively. They taught sophisticated content without reading.

In his first year there, the mythologies of ancient times were taught through what was called Gods Club. The students were taught by Cleopatra, complete with headdress. The students dressed in togas. Each took the identity of a Greek god. To enter the classroom, they used passwords that changed every day, such as ''Corinthian,'' which taught them the name of a column's capital. A painted Nile River ran through the middle of the classroom just as the real Nile runs through Egypt.

When the winter break came, and we took our son to the Egyptian galleries at the Metropolitan Museum in New York, he read the hieroglyphics to us while we listened slack-jawed.

This was her famous Academic Club method, one of the many she shared as professor in charge of American University's masters program for special education. Our son went on to Knights and Ladies Club, taught by Eleanor of Aquitaine, and Renaissance Club taught by Lorenzo de Medici. He jousted and learned about Holy Wars, made cheese and tasted ravioli, painted a fresco and took on the persona of Dante.

He learned, and after four years he moved on to a mainstream school, which was Smith's ultimate goal for all her students.

A couple of months ago, my son was visiting the school and saw Smith. She was in a wheelchair, dressed in her usual eye-popping splendor. She took his hand and asked him how he liked his new school.

She really wanted to know the answer, and she really listened when he gave it. That was Sally Smith's genius.●

REMEMBERING CHARLES E. ''BUTCH'' JOECKEL

● Mr. HAGEL. Mr. President, I wish to recognize the loss of Vietnam veteran Charles E. ''Butch'' Joeckel, who was buried yesterday with military honors at the Columbarium in Arlington National Cemetery.

Butch was raised in Colmar Manor, MD, graduating from Bladensburg High School in 1965. In 1966 he enlisted in the U.S. Marine Corps and fought for his country in Vietnam. He was seriously wounded during the Tet Offensive in 1968, losing both of his legs above the knees. For his heroic service, Butch received the Silver Star, Bronze Star, Purple Heart, Navy Commendation Medal with Combat Valor, and numerous meritorious citations, medals, and honors.

Butch's service to his country did not end in Vietnam. He became a national service officer for the Disabled American Veterans (DAV), and in 1988 he rose to the position of DAV national adjutant, serving in this capacity until 1993. He served on the board of directors of Help Disabled War Veterans, and contributed his time, wise counsel, and strong efforts to the President's Task Force to Improve Access to Health Care for our Nation's Veterans at the National Veterans Legal Services Program. In 2004 he was appointed to the Veterans' Disability Benefits Commission.

Butch was an inspiration to all who knew him, and especially for those who were disabled. He accepted the heavy responsibility of ''role model'' for disabled war veterans with grace, dignity, and a special twinkle of humor.

For all of his selfless service to his country, Butch's family always came first. He is survived by his wife Dianne; his three children, Chuck, Tammy and Scott; his father, Charles, Sr.; his sister and brother-in-law; three sisters-in-law; 11 nieces and nephews; and seven grandchildren.

Butch was an American patriot who believed in his country and fought for his country and the veterans who built it. America owes him our thanks for his contributions and sacrifices. Our country lost an American original, who will be missed by many.●

TRIBUTE TO JOSEPH ATKINS NICKERSON, JR.

• Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the extraordinary life and work of Joseph Atkins Nickerson, Jr., of Chatham, MA, a retired builder and prominent local historian who passed away on November 23 at the age of 89. Joe lived his entire life in the town of Chatham. The only exception was during his service to the Navy during World War II.

Joe was a direct descendent of the founders of Chatham, and he will always be remembered for his leadership in preserving the town's history. He had an extraordinary ability to recall people, places, and dates, and his storytelling skill was legendary.

Joe was a member of numerous local sports teams in his youth, and at the age of 22 he pitched a no hit, no run, no walk, 22 strike-out perfect baseball game for the local Chatham team. He was also an original member of the Chatham Town Band, and played the clarinet beautifully in concerts and parades for over 50 years. His skills as a town musician were a great source of pride for all his family.

Joe served the town in many other ways as well. He was a volunteer fireman, a member of the School Building Committee, president and historian of the Chatham Historical Society, a founding member of the Conservation Association, president of the Boston Glass Club, and a member of the Retired Men's Club.

In recent years, Joe and his beloved wife Gerry worked together to write a book, ''Chatham Sea Captains in The Age of Sail.'' Before he passed away he was delighted to learn that his long-awaited book would be published by History Press, Inc. of Charleston, SC, in February 2008. I am sure it will be a wonderful memorial to Joe and a delight to the people of Chatham and all of us who love Cape Cod. His remarkable life and his commitment to the community will continue to inspire us all for years to come, and we mourn the passing of this amazing son of Chatham.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 236. An act to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

H.R. 1759. An act to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes.

H.R. 2930. An act to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

H.R. 3526. An act to include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes.

H.R. 3690. An act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

H.R. 3791. An act to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

H.R. 4043. An act to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes.

H.R. 4252. 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 May 23, 2008, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 147. Concurrent resolution recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes.

H. Con. Res. 251. Concurrent resolution commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 236. An act to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

H.R. 1759. An act to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes; to the Committee on the Judiciary.

H.R. 2930. An act to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3526. An act to include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3791. An act to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes; to the Committee on the Judiciary.

H.R. 4043. An act to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 147. Concurrent resolution recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 251. Concurrent resolution commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2416. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4127. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Watermelon Research and Promotion Plan; Assessment Increase'' (Docket No. AMS–FV–07–0038) received on November 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4128. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mango Promotion, Research, and Information Order; Amendment to Term of Office Provision'' (Docket No. AMS–FV–07–

0042) received on November 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4129. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Increased Assessment Rate'' (Docket No. AMS–FV–07–0103) received on November 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4130. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Movement of Fruit from Quarantined Areas'' (Docket No. APHIS–2007–0022) received on November 26, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4131. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's intent to disestablish the BX Mart at the Naval Air Station Joint Reserve Base in Fort Worth, Texas; to the Committee on Armed Services.

EC–4132. A communication from the Legal Information Assistant, Office of Thrift Supervision, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting Affiliate Marketing Regulations'' (RIN1550-AB90) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4133. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13303 with respect to the Development Fund for Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC–4134. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 61806) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4135. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 62121) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4136. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13047 with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC–4137. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offering and Governing Regulations for Series EE and Series I Savings Bonds, Treasury Direct'' (31 CFR Parts 351, 353, 359, 360, and 363) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4138. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, an annual report relative to the Foreign Bank and Financial Accounts for calendar year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–4139. A communication from the Deputy Assistant General Counsel, Pipeline and Hazardous Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on November 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4140. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 84 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–AU03) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4141. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Surfclam Minimum Size Suspension for 2008—Temporary Rule'' (RIN0648–XD25) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4142. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD53) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4143. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XD32) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4144. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC73) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4145. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Closure of the Commercial Fishery for Gulf Group King Mackerel in the Gulf of Mexico Western Zone for the 2007-2008 Fishing Year'' (RIN0648–XC59) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4146. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2007; to the Committee on Energy and Natural Resources.

EC–4147. A communication from the Secretary of Energy and the Secretary of the Interior, transmitting, pursuant to law, a report relative to the cost for implementation of the Rocky Flats National Wildlife Refuge Act of 2001 during fiscal year 2006; to the Committee on Environment and Public Works.

EC–4148. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Clarification of NRC Civil Penalty Authority over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities'' (RIN3150–AH59) received on November 27, 2007; to the Committee on Environment and Public Works.

EC–4149. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Plan to Implement Medicare Hospital Value-Based Purchasing''; to the Committee on Finance.

EC–4150. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–265—2007–272); to the Committee on Foreign Relations.

EC–4151. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting, pursuant to law, a report entitled ''Multilateral Development Banks' Assistance Proposals Likely to Have Adverse fnl;Impacts on the Environment, Natural Resources, Public Health and Indigenous Peoples''; to the Committee on Foreign Relations.

EC–4152. A communication from the White House Liaison, Office of Planning, Evaluation, and Policy Development, Department of Education, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in an acting role for the position of Assistant Secretary (Planning, Evaluation, and Policy), received on November 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4153. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program'' (RIN1840–AC89) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4154. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program'' (RIN1840–AC92) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4155. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Student Aid Programs'' (RIN1840–AC91) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4156. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program'' (RIN1840–AC88) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4157. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4158. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to

law, the audit performed on the agency for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4159. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4160. A communication from the Secretary, Postal Regulatory Commission, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner, received on November 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4161. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Agency's Financial Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4162. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4163. A communication from the Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, an annual report on the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC–4164. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4165. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4166. A communication from the National Treasurer, Navy Wives Club of America, transmitting, pursuant to law, a report relative to the latest audit of the organization; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–258. A resolution adopted by the Council of the City of Espanola of the State of New Mexico in support of maintaining current federal funding levels for the operation of the Los Alamos National Laboratory; to the Committee on Energy and Natural Resources.

POM–259. A resolution adopted by the Town Council of the Town of Hypoluxo in the State of Florida urging Congress to appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Environment and Public Works.

POM–260. A resolution adopted by the Cook County Board of the State of Illinois urging Congress to support the H–1 B and L–1 B Visa Fraud and Abuse Prevention Act of 2007; to the Committee on the Judiciary.

POM–261. A resolution adopted by the Senate of the State of New York urging the New York State Congressional Delegation to make the Do Not Call Registry permanent; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, the Do Not Call Registry was established in the State of New York in 2000 to protect citizens from unwanted sales calls; it was made more effective in 2003, when it merged with the National Do Not Call Registry; and

Whereas, the National Do Not Call Registry provides citizens across the state and country with the privacy they deserve and adequate penalties for businesses which violate that privacy by persisting with unwanted phone calls; and

Whereas, the merging of the two Do Not Call Registries has effectively protected New York State residents from bothersome and unwanted phone solicitations for the last five years; and

Whereas, Due to the five year expiration of the National Do Not Call Registry, many of the first enrollees will soon again be vulnerable to telephone solicitations unless they re-enroll; Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to eliminate the 5-year expiration date and make the National Do Not Call Registry permanent; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM–262. A resolution adopted by the California State Lands Commission expressing its support for S. 1870 and H.R. 2421; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays, lakes, and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, common law that requires these lands to be used for commerce, fishing, navigation, recreation, and environmental protection; and

Whereas, the Commission has acquired thousands of acres of valuable wetlands and lands to be restored to wetlands such as Bolsa Chica and the Cosumnes River wetlands; and

Whereas, the Commission is gravely concerned about the adverse effects greenhouse gases and climate change will have on the environmental, economic, and public value of the state lands it holds in trust; and

Whereas, wetlands have been identified as significant storehouses of carbon, possibly storing as much as 40% of global terrestrial carbon; and

Whereas, the drainage and degradation of wetlands releases large quantities of carbon dioxide (the gas that accounts for at least 60% of global warming) as well as other greenhouse gases contributing to climate change; and

Whereas, there are approximately 100 million wetland acres remaining in the continental United States, which are decreasing about 60,000 acres annually; and

Whereas, if wetlands are functioning properly, they provide not only protection against global warming, but also water quality protection, fish and wildlife habitat, natural floodwater storage, reduction in the erosive potential of surface water, and popular recreational uses; and

Whereas, wetlands have been used to manage wastewater: as the water passes through the wetlands, suspended particles settle; pollutants are broken down by plants, microorganisms, and sediment; nutrients are absorbed; and pathogens die off; and

Whereas, wetlands are among the most biologically productive ecosystems, essential to the survival of more than one-third of the threatened and endangered species in the United States; and

Whereas, wetlands provide public use benefits, supplying opportunities for enjoying nature, hiking, biking, bird watching, hunting, fishing, and scientific study, which in the aggregate, generate several billions of dollars annually in the United States; and

Whereas, in 1972, Congress passed the Clean Water Act (''the Act'') to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The Act contains Section 404, which established a permit program involving the Environmental Protection Agency and the U.S. Army Corps of Engineers (''the Corps'') to regulate discharges of pollutants (e.g. waste discharge and dredged and fill materials) into waters of the United States; and

Whereas, in 1977, the Corps issued final regulations on the permit program and explicitly included in its definition of ''waters of the United States'' any ''isolated wetlands and lakes, intermittent streams, prairie potholes, and other waters that are not part of the tributary system to interstate waters or to navigable waters of the United States, the degradation or destruction of which could affect interstate commerce.''; and

Whereas, in 2001 and compounded by a joint decision in 2006, the United States Supreme Court, first in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) and then in Rapanos v. United States, issued decisions that reduced the jurisdictional scope of the Clean Water Act, undermining decades of clean water protection, and jeopardizing the future of wetlands and other waters of the United States; and

Whereas, the opinions of the split court in Rapanos have created great confusion as to the actual scope of the Clean Water Act, making implementation of the Act resource intensive and subject to litigation; and

Whereas, the Clean Water Restoration Act of 2007, introduced by Senator Feingold through S. 1870, and Congressman Oberstar through H.R. 2421, seeks to end jurisdictional confusion left in the wake of the Rapanos case by codifying the Corps' definition of ''waters of the United States,'' which federal agencies have used to enforce the Clean Water Act for over 30 years; Therefore be it

Resolved by the California State Lands Commission, That it supports the Clean Water Restoration Act of 2007 (S. 1870 and H.R. 2421), which would affirm federal protections for waters of the United States, including wetlands, tributaries, headwaters and streams, through the Clean Water Act; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to the Chairs and Ranking Minority Members of the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, to each Senator and Representative from California in the Congress of the United States, to the U.S. Army Corps of Engineers, and to the Environmental Protection Agency.

POM–263. A resolution adopted by the Senate of the State of Michigan in support of

the plan of the Detroit International Bridge Company to establish an enhancement span to the Ambassador Bridge; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 123

Whereas, the Ambassador Bridge between Detroit and Windsor exemplifies efficiency and solid security practices that a private and public partnership can provide to the citizens of Michigan, the United States, and Canada and has been recognized by the United States Federal Highway Administration as the most efficient international crossing; and

Whereas, the Detroit International Bridge Company (DIBC) crossing plan to develop an enhancement span of the Ambassador Bridge would provide for an additional crossing between the cities of Detroit and Windsor to meet the traffic needs of the region for years to come; and

Whereas, the DIBC has stated it will work with the state of Michigan to leverage the private investment used in the creation of an enhancement span to help garner $2 billion in match funding to be used to improve Michigan's roads and bridges by qualifying DIBC expenditures as toll credits under federal law; and

Whereas, the Detroit River International Crossing (DRIC) study, being carried out by the Michigan Department of Transportation, the U.S. Federal Highway Administration, Transport Canada, and the Ontario Ministry of Transportation, calls upon the need for an additional span and continues to study alternate sites for a new bridge, while private investors are willing to construct and operate a second crossing to be financed without expense to the taxpayer; and

Whereas, the state of Michigan has made a significant investment to improve the traffic flow to the current Ambassador Bridge through initiatives such as the Gateway Project to address traffic flow from the freeway and interstates to the Ambassador Bridge, as well as improving the plaza to accommodate international commerce; Now, therefore, be it

Resolved by the Senate, That we support the plan of the Detroit International Bridge Company to establish an enhancement span to the Ambassador Bridge; and be it further

Resolved, That we urge the Michigan Strategic Fund to immediately approve an Inducement Resolution for Private Activity Bonds for the DIBC enhancement span and Gateway connections to the Ambassador Bridge; and be it further

Resolved, That we urge both the United States and Canadian governments to expedite the permits to complete the DIBC enhancement span to allow for the second crossing to become operational in a timely fashion; and be it further

Resolved, That we urge that the DRIC study recognize and support the DIBC's plan to develop an enhancement span; and be it further

Resolved, That we recommend that the Canadian government finish the improvements to alleviate traffic flow concerns in Windsor from Canadian Highway 401 to the Ambassador Bridge; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Prime Minister of Canada, the Ontario Parliamentary delegation, the mayor of Detroit, and the mayor of Windsor.

POM–264. A resolution adopted by the House of Representatives of the State of Michigan urging the Secretary of State to increase efforts to urge the People's Republic of China to halt its violation of the human rights of its citizens; to the Committee on Finance.

HOUSE RESOLUTION NO. 109

Whereas, Falun Gong, which is also known as Falun Dafa, is a traditional Chinese discipline of personal beliefs that is based on the principles of truthfulness, compassion, and forbearance. Falun Gong attracts millions of people of all ages and backgrounds is practiced in over 80 countries over the world; and

Whereas, over the past several years, authorities in the People's Republic of China have taken strong and brutal actions against practitioners of Falun Gong. Reports indicate that tens of thousands of people have been tortured and sent to labor camps, and property owned by those who follow this discipline has been destroyed or confiscated. Independent investigations also report that large-scale organ harvesting for transplant involves organs taken from non- consenting prisoners, with the major target group being Falun Gong practitioners; and

Whereas, the persecution of practitioners of Falun Gong is in apparent violation of the People's Republic of China's own constitution and a flagrant violation of standards of human rights recognized by the United Nations and most governments of the world; and

Whereas, citizens of Michigan who practice Falun Gong and those who understand this discipline cannot fathom the reaction of the Chinese authorities. Indeed, those who value human rights seek an increase of efforts to urge the People's Republic of China to halt this persecution; Now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution of and forced harvesting of organs from practitioners of Falun Gong; and be it further

Resolved, that copies of this resolution be transmitted to the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–265. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact federal legislation designed to prevent elder abuse; to the Committee on Finance.

HOUSE RESOLUTION NO. 207

Whereas, the number of older Americans is increasing, and with it the problem of elder abuse and exploitation. Older Americans constitute a vulnerable population that often suffer physical and emotional abuse and can often be targets of identity theft and other fraudulent financial schemes; and

Whereas, in response to concerns about elder abuse, federal legislation has been introduced that would focus attention on this problem and promote an infrastructure at the federal, state, and local levels to protect these vulnerable Americans. The Elder Justice Act, S. 1070 and H.R. 1783, would assure that individuals and organizations on the front lines, who are fighting elder abuse, have the resources and information needed to carry out their fight; and

Whereas, This legislation would create a comprehensive and multidisciplinary approach to protecting older Americans. The Elder Justice Act would improve research and data collection, enhance training of individuals who fight elder abuse, and promote the development of an effective adult fiduciary system, including an adult guardianship system. Among other things, this legislation would also create a short and long term strategic plan for the development and coordination of elder justice research, programs, and training; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact federal legislation designed to prevent elder abuse; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–266. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to repeal Title II of the REAL ID Act of 2005; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 176

Whereas, the state of Michigan denounces and condemns all acts of terrorism, wherever the acts occur; and

Whereas, the Intelligence Reform and Terrorism Prevention Act (IRTP) of 2004 called for reforms that would make identification documents more secure, harder to force, and more difficult to fraudulently obtain; and

Whereas, the IRTP Act of 2004 recognized that imposing federal mandates and standards onto state driver's licenses raised important questions on the federal government's ability and role in interfering with identification cards wholly owned by the states, especially when there are federal alternatives. As a result, the Act sought to establish identification security guidelines by a shared and negotiated rulemaking process in full partnership with the states; and

Whereas, the REAL ID Act of 2005, without benefit of Senate hearings or testimony, was abruptly attached as a rider to a must-pass military spending and tsunami relief bill (PL 109–13). Its passage effectively repealed the negotiated rulemaking process already under way as a result of the IRTP Act of 2004, replacing it with methodology designed to directly impose federal standards onto a state's wholly owned licenses under REAL ID. The draft rules for obtaining a REAL ID are more stringent than those the federal government requires for its own passports or social security cards; and

Whereas, under these new standards, the REAL ID Act sets mandated deadlines in the near future under which Michigan's current licenses cannot be used for any federal purpose, including, but not limited to, activities such as boarding domestic airline flights, opening most bank accounts, and gaining entrance to federal buildings such as courts. While citizens could alternatively use passports for such purposes, whether or not non-REAL ID licenses could still be used for the federal purpose of obtaining a passport has not been definitively clarified; and

Whereas, the REAL ID Act puts the Department of Homeland Security in charge of determining the as of yet published final rules that would mandate what information would be included on Michigan's driver's licenses, with whom the data must be shared, what biometrics may ultimately be used on the cards, and what encoding or other machine-readable technology may ultimately be required. Such action creates a precedent where different or additional rules could also be created again by the federal government in the future; and

Whereas, the REAL ID Act would mandate that Michigan must link parts of its Secretary of State database to the departments of motor vehicles of all other states, in effect creating a single shared national database, while at the same time REAL ID sets no

standards whatsoever on the security measures that states must use for gateway access to other states' databases, allows for non-governmental third parties to administer such databases, and sets absolutely no limits on how non-governmental entities will mandate use of the cards for goods, services, or other purposes; and

Whereas, Real ID is an unfunded mandate and the Department of Homeland Security estimates that the regulations will cost the states and consumers $23 billion to implement; and

Whereas, regardless of who pays for the costs of REAL ID, it would federalize Michigan's driver's licenses by determining under what conditions the card can be used, what information has to be collected and put on the cards, what machine-readable technology the information is encoded under, and to whom the state must give such data. This federalization and creation of a de facto national identification card occurs without the benefit of a shared, negotiated rulemaking process with the states regarding the co-option of their wholly owned licenses; and

Whereas, as a result of these concerns and a recognition that needed reforms can be accomplished without the negative aspects of REAL ID, seventeen states have already passed bills or resolutions rejecting, asking for repeal, or putting limitation on whether or not they will participate in REAL ID. These states include Arkansas, Colorado, Georgia, Hawaii, Idaho, Illinois, Maine, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, South Carolina, Tennessee, and Washington. Ten other states have anti-REAL ID initiatives that have passed one chamber; and

Whereas, Federal S. 117, the Identification Security Enhancement Act of 2006 sponsored by Senators Sununu (R-NH) and Akaka (D-HI), and similar current legislation, replaces REAL ID with language taken from the original Intelligence Reform and Terrorism Prevention Act of 2004. The proposed legislation takes a more measured approach to mandating tougher standards for driver's licenses by requiring that new guidelines be developed by a shared rulemaking process that would fully involve all states and other key stakeholders; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to repeal Title II of the REAL ID Act of 2005, and to support a return to a negotiated rulemaking process with the states, such as called for in S. 117, the Identification Security Enhancement Act of 2006; and be it further

Resolved, That the Michigan Legislature will not appropriate funds nor enact legislation for the implementation of Title II of the REAL ID Act of 2005; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–267. A resolution adopted by the Senate of the Commonwealth of Puerto Rico urging the release of three Puerto Rican political prisoners; to the Committee on the Judiciary.

RESOLUTION

Puerto Ricans Carlos Alberto Torres, Oscar López-Rivera and Haydée Beltrán have been imprisoned in the United States for twenty-seven years, serving time for causes related to the fight for the independence of Puerto Rico. Other political prisoners, who were serving equally disproportionate sentences, have already been released, first, under the Administration of Jimmy Carter, and subsequently, in 1999, under the Administration of William J. Clinton.

The cause for the release of these fellow countrymen has united Puerto Ricans of all creeds. Political, religious and civic institutions have claimed for the return home of Carlos Alberto, Oscar and Haydée. Their long imprisonment, far from serving a purpose, has become a sign of inhumanity and injustice. International entities have joined the consensus reached in Puerto Rico for the release of our prisoners.

The Senate of Puerto Rico also joins in solidarity to petition the President of the United States, George W. Bush, that in the exercise of his prerogatives, he orders the immediate and unconditional release of prisoners Carlos Alberto Torres, Oscar López-Rivera and Haydée Beltrán.

Be it resolved by the Senate of Puerto Rico:

Section 1.—To petition the President of the United States, George W. Bush, to order the immediate and unconditional release of prisoners Carlos Alberto Torres, Oscar López-Rivera and Haydée Beltrán.

Section 2.—A copy of this Resolution translated into English shall be delivered to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, to the President pro tempore of the Senate of the United States, to the Resident Commissioner of Puerto Rico in Washington, and to the Majority and Minority Leaders in the House and in the Senate of the United States. It shall also be remitted by electronic mail to the members of the Senate and of the House of Representatives of the United States.

Section 3.—This Resolution shall take effect immediately after its approval.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1245. A bill to reform mutual aid agreements for the National Capitol Region (Rept. No. 110–237).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

*John S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

*Charles Russell Horner Shearer, of Delaware, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

*Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

*William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

*Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

By Mr. LEAHY for the Committee on the Judiciary.

*Ronald Jay Tenpas, of Maryland, to be an Assistant Attorney General.

*Gregory A. Brower, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

*Diane J. Humetewa, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

*Edmund A. Booth, Jr., of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. CLINTON, and Mr. OBAMA):

S. 2419. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2420. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself and Mr. BROWNBACK):

S. 2421. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, and Mr. FEINGOLD):

S. 2422. A bill to amend title 18, United States Code, to prohibit certain computer-assisted remote hunting, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2423. A bill to facilitate price transparency in markets for the sale of emission allowances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COLEMAN (for himself, Mr. HARKIN, Mr. DOMENICI, Ms. KLOBUCHAR, Ms. COLLINS, and Ms. LANDRIEU):

S. 2424. A bill to ensure that all Americans have basic health literacy skills to function effectively as patients and health care consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. SCHUMER, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, and Mrs. MURRAY):

S. 2425. A bill to require the Secretary of Transportation and the Secretary of Commerce to submit reports to Congress on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for Mrs. CLINTON):

S. 2426. A bill to provide for congressional oversight of United States agreements with the Government of Iraq; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2427. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. OBAMA (for himself, Ms. COLLINS, Mr. DURBIN, and Mr. COLEMAN)):

S. 2428. A bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2429. A bill to amend the Oil Pollution Act of 1990 to equalize the limit on the liability for oil tankers and cargo vessels and to provide for the investment of amounts in the Damage Assessment Restoration Revolving Fund; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2430. A bill to prevent maritime emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 2431. A bill to address emergency shortages in food banks; to the Committee on Appropriations.

By Mr. WHITEHOUSE:

S. 2432. A bill to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for 2007 and to provide special tax rates for certain capital gains and qualified dividend income for 2007, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL:

S. Res. 390. A resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. DODD):

S. Res. 391. A resolution calling on the President of the United States to engage in an open discussion with the leaders of the Republic of Georgia to express support for the planned presidential elections and the expectation that such elections will be held in a manner consistent with democratic principles; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 392. A resolution recognizing the 60th anniversary of Everglades National Park; considered and agreed to.

By Mr. NELSON of Nebraska (for himself and Mr. HAGEL):

S. Res. 393. A resolution expressing the condolences of the Senate to those affected by the tragic events of December 5, 2007, at Westroads Mall in Omaha, Nebraska; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. STEVENS, and Mr. SPECTER):

S. Res. 394. A resolution recognizing the 100th Anniversary of the founding of the American Association for Cancer Research and declaring the month of May 2007 as National Cancer Research Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 274

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 274, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 583

At the request of Mr. SALAZAR, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 583, a bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency.

S. 674

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 674, a bill to require accountability and enhanced congressional oversight for personnel performing private security functions under Federal contracts, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1052

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1052, a bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program.

S. 1272

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1272, a bill to establish the National Guard Yellow Ribbon Reintegration Program.

S. 1276

At the request of Mr. DURBIN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1462

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1462, a bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1595

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1595, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program.

S. 1792

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1792, a bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1955

At the request of Mr. CONRAD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1955, a bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty.

S. 1963

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2075

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2075, a bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion.

S. 2099

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2356

At the request of Mr. COLEMAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2356, a bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents.

S. 2389

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2400

At the request of Mr. SESSIONS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2405

At the request of Mr. SANDERS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. TESTER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2405, a bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981.

S. 2408

At the request of Mr. SUNUNU, his name was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2417

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2417, a bill to amend title 31, United States Code, to require the inscription ''In God We Trust'' to appear on a face of the $1 coins honoring each of the Presidents of the United States.

S. RES. 389

At the request of Mr. ALLARD, the names of the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 389, a resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. CLINTON and Mr. OBAMA):

S. 2419. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the American workplace has changed significantly in recent years. In the new global economy, many businesses are open around the clock—and employees often work long shifts and unpredictable hours. With computers and cell phones, employers can reach employees almost any time, anywhere. Hard economic times require many men and women to work longer hours or hold multiple jobs. Almost 8 million Americans now juggle the demands of at least two jobs, and tens of millions more find it increasingly difficult to achieve a fair balance between their work and their family.

These and other shifts in our society mean that many Americans and their

families are stretched to the limit. Two-thirds of all families in our country are headed by either two employed parents or a single working parent, and parents are working outside the home longer hours than ever—an average of 91 hours a week for dual income couples.

As the population ages, more and more Americans must also care for elderly parents and relatives. An aging population also means more older workers, who want to stay on the job, but don't want or can't manage long hours any more. Expanding populations in metropolitan areas mean longer commutes. A recent Gallup poll found that about a third of American workers spend an hour or more a day getting to and from work.

Our working families deserve a 21st century answer for these 21st century job challenges. Greater flexibility is an essential part of the response. More than 80 percent of workers would like more flexibility in their jobs. Almost half of them, however, worry that asking for such flexibility will jeopardize their careers.

The Working Families Flexibility Act I am introducing today will give employees the ability to ask for flexible arrangements without fear. Flexible scheduling will enable working parents to coordinate child care more effectively and spend more time with their children. It can even help workers be better parents. Studies show that parents with greater control over their schedules spend more time with their children.

For employees with long commutes, telecommuting reduces stress and time wasted time wasted on the road. Many workers say they are just as productive at home, and sometimes even more so.

Flexibility also lets more people stay in the workforce who otherwise could not. Often coming into the office for a traditional 8 hour day, five days a week isn't possible for elderly workers or persons with disabilities. With flexible scheduling and telecommuting, these workers can continue on the job.

Flexibility is also good for business. Persons with flexible work arrangements are more reliable employees. In a recent survey, two- thirds of workers with flexible schedules missed less work because of such arrangements.

They are also happier employees. Another study showed that almost three times as many workers in companies that offer flexibility felt satisfied with their jobs, compared to workers without such options. Companies that offer flexibility also discover that it helps them attract and retain better employees.

The Working Families Flexibility Act brings workers and employers together to find creative ways to provide such flexibilities. Our legislation allows those who know their jobs best—the ones actually doing the work—to suggest changes as to when and where they do their work. It creates a process for workers and employers to come up with solutions that best fit their particular circumstances.

We know that laws like this will benefit both employers and employees. Great Britain, Germany, and the Netherlands, have adopted similar laws with great success. 90 percent of British workers now have flexible work options, compare to only about a quarter of American workers. Last year 91 percent of British employers who had employee requests for flexibility were able to grant them. It is making the workers more satisfied with their jobs. Those who took advantage of flexibility were 50 percent more satisfied with their work arrangements than workers who did not.

We all fill many roles in our lives. We are workers, parents, sons and daughters, and members of our communities. We struggle to do well in each responsibility. But when the demands of work overshadow the rest of our lives, our lives feel out of balance. This legislation gives millions of American workers the opportunity to restore that balance—to be good employees and responsible citizens and family members, too. They deserve no less.

By Mr. SCHUMER (for himself and Mr. BROWNBACK):

S. 2421. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Finance.

Mr. SCHUMER. Mr. President, today, I want to say a few words about the bill I am introducing, the Wrongful Convictions Tax Relief Act of 2007. My bill would provide much-needed assistance to individuals who have been wrongfully convicted of a crime and subsequently exonerated by clarifiying that State compensation awards are tax-free; and stating that exonerees shall have their first $50,000 of earnings free of federal income and payroll taxes for each year that they were wrongfully imprisoned. The second benefit would only apply to those who have never been convicted of a felony for which they were not exonerated. If they had a conviction prior to their wrongful conviction, they would not be eligible. If they are subsequently convicted, they would lose their eligibility as well.

I want to thank Senator BROWNBACK for offering to be the lead Republican cosponsor of my bill. He and I have worked together on a number of issues now, and I appreciate his willingness to support this legislation.

As my colleagues are surely aware, whatever their political leanings may be, this bill addresses an incredibly timely and important issue. Just 2 days ago, a Federal prosecutor in Jacksonville, Florida dismissed a murder case against a Florida man, based on DNA evidence, exonerating him in a 1994 murder. According to the Innocence Project, this man represents the 209th person nationwide exonerated by DNA testing.

More and more innocent people are regaining their freedom through post-conviction DNA testing. No matter what your view may be of the death penalty; no matter what your view may be of mandatory sentencing laws; no matter how ''tough on crime'' you want to be—surely everyone would agree that when innocent people spend time in prison for crimes that they did not commit, something of value has been taken from them.

In this country, everyone is entitled to a fair trial. Yet for those wrongfully convicted of a crime, our legal system has failed them. Some of the common causes of wrongful convictions include eyewitness misidentification, unreliable or limited evidence tests, and false information presented by informants. Even more sobering, more than a quarter of all prisoners exonerated by DNA evidence had falsely confessed or made incriminating statements, simply to end hours of aggressive interrogation.

Thankfully, advocacy groups such as the Innocence Project and the Justice Project have taken on the challenge of addressing what can only be described as a systemic problem. The Innocence Project at the Cardozo School of Law in New York City has been a tireless leader in overturning wrongful convictions, and has led the charge in using DNA evidence to prove, once and for all, a person's innocence. With new improvements in DNA testing and technology, we can now positively identify or rule out suspects based on DNA evidence left at the scene of a crime. In most wrongful conviction cases, new testing of DNA evidence taken from the crime scene years before points to another perpetrator.

Once released, exonerees face huge and sometimes insurmountable challenges. Multiple studies have shown that upon release, these individuals often have difficulty reentering society. They have lost the prime years of their life, serving time in prison for crimes they did not commit. The vast majority of exonerated individuals entered prison in their teens or 20s, and they stayed there while some of their peers on the outside settled on careers, married, started families, bought homes, and began saving for retirement. They have emerged from prison many years behind, and it is difficult to catch up. Think about how much the economy has changed in just the last 10 years, and think about how difficult it would be to adjust if you had spent that time behind bars.

Shockingly, despite being imprisoned for an average of 12 years, exonerees typically leave prison with less help pre-release counseling, job training, substance-abuse treatment, housing assistance and other services than some states offer to paroled prisoners. Even the basic tasks that seem so unremarkable to you and I, like going to the grocery store, paying bills, and getting to and from work, are huge tasks for someone who has spent so much time in prison. In fact, in some cases, people have lost jobs once their employers find out about their past

conviction, despite the fact that they have been exonerated of the crime. I know that sounds unbelievable, but it's true. You didn't commit the crime, it is proven that you didn't commit the crime, but you still lose your job. Imagine for just a moment if this happened to one of your friends or family members. You would be outraged. The unfairness is heartbreaking.

Certainly we can all agree that these individuals deserve and need support after their release, and lawmakers on both the state and federal level have begun to address the question of compensation for wrongfully convicted individuals. In 2004, Congress passed the Justice for All Act, which I am proud to have cosponsored. This bill, among other things, raised the cap for potential federal compensation awards for wrongful convictions to $100,000. Although the federal compensation has not been claimed, this landmark piece of legislation set a precedent for state compensation laws. As of now, 22 States have followed suit and passed compensation laws as well. But the system is a patchwork. Some States, such as Maine and New York, provide exonerees with a lump sum as the court sees fit, and cap these awards at specific levels. Other States, such as California and Texas, give compensation based on time spent in jail. Only a few States, such as Louisiana, offer compensation to cover costs such as vocational training, medical bills and counseling, to aid re-entry.

We can and should do more. Of all people known by the Innocence Project to have been exonerated through DNA evidence as of August 2007, at least 79—nearly 40 percent—didn't receive a dime to compensate them for their years in prison. Even when someone is awarded compensation, they can wait in limbo for years. More than half of those who did receive compensation waited two years or longer after exoneration for the first payment, forcing them to rely on family, friends, lawyers, and even strangers for shelter, clothing, food and emotional support immediately after their release.

The Federal Government cannot and should not offer cash compensation for those who have been wrongfully convicted by state courts, but we do have the power to address how compensation awards are taxed, and how these individuals are taxed once they try to rebuild their lives. We can help even the playing field across all States by changing the law to ensure that there are some benefits that will be consistent across all 50 States. My bill changes the law in a number of ways to ensure that there are some benefits available to everyone, regardless of which State they call home.

The first change in my bill is more of a clarification than a new tax benefit. If an exoneree does receive a state compensation award, the Federal tax laws are unclear as to whether these awards are taxable. According to the Innocence Project, the Internal Revenue Service has not yet made any attempts to tax these awards, but the concern remains that the IRS could make such a claim in the future. My bill specifically clarifies that any civil damages, restitution, or other monetary awards related to the wrongful imprisonment are excluded from taxable income.

The second change in my bill will help provide much-needed economic assistance to exonerees that are trying to rebuild their lives, but finding it hard to make ends meet. My bill says that, for every year that someone was wrongfully imprisoned and then exonerated, up to 15 years, the first $50,000 they earn each year after their release will be free of Federal income and payroll taxes. For married couples filing jointly, the tax-free amount would be $75,000 per year. Again, the benefit would only apply to those who have never been convicted of a felony. If they had a conviction prior to their wrongful conviction, they would not be eligible. If they are subsequently convicted, they would lose their eligibility as well.

In terms of real dollars, let us take the example of someone earning $20,000 post-imprisonment. In a typical tax filing scenario, my bill will save them nearly $2,800 in income and payroll taxes. This is a real benefit that can make wages go just that much farther—it can pay for a few months' rent, or a community college course, or any number of things that can help this victim return to a productive life.

As my colleagues know, I feel very strongly about justice and fairness. I am not one to shy away from making tough decisions to strengthen our laws, but I also believe that when someone has been treated unfairly by the law, it is our responsibility to provide some help. I sincerely believe that people who have been wrongfully convicted of a crime have had parts of their lives taken from them, plain and simple.

Mr. President, I thank you for the opportunity to speak on the issue of fair compensation for wrongful convictions. I stand ready to work with Senator BROWNBACK and my colleagues on both sides of the aisle, including the chairman and ranking member of the Finance Committee, to get this bill enacted next year.

By Mrs. FEINSTEIN:

S. 2423. A bill to facilitate price transparency in markets for the sale of emission allowances, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce ''The Emission Allowance Market Transparency Act.''

This legislation would establish necessary market oversight authorities to prevent Enron-type fraud and manipulation in the new greenhouse gas credit markets that are expected to emerge once Congress approves comprehensive climate change legislation.

The goal is simple: To prevent the same type of fraud and manipulation that occurred during the Western Energy Crisis from happening if a new greenhouse market is established.

The bill would establish transparency and anti-manipulation provisions modeled after energy markets protections that were established by the Energy Policy Act of 2005.

Additionally, the legislation includes anti-fraud provisions and limits excessive speculation. The bill would establish strong financial penalties. Each offense would result in a fine of up to $1 million and 10 years in jail.

Simply put, this legislation is a necessary and critical part of any new carbon trading markets approved by Congress.

Specifically, the legislation would require the Environmental Protection Agency to create a regulatory structure to oversee the new carbon credit markets.

This system would be parallel to the system used by the Federal Energy Regulatory Committee FERC for the electricity and natural gas markets.

The EPA would publish market price data in order to increase transparency; monitor trading for manipulation and fraud; and limit the size of speculative holdings to prevent any single trader from being able to set the price.

The bill would also prohibit traders from: reporting false information; manipulating the market; and cheating or defrauding another market participant.

Any trader who violated this Act would pay a maximum $1 million fine and spend 10 years in jail for each offense.

We believe that this will strongly discourage traders from seeking to manipulate the market.

This legislation is the key part of an effort to prevent newly emerging greenhouse gas markets from evolving without rules or regulation. These markets are coming, and we need to have the law in place to receive them.

California has passed legislation and will soon establish a cap and trade system to control carbon dioxide emissions.

Many members of the U.S. Senate support legislation, such as the Electric Utility Cap and Trade Act that I have introduced, to establish a Federal cap and trade system.

Legislation sponsored by Senators WARNER and LIEBERMAN to establish a national, economy-wide greenhouse gas cap and trade system will be marked up in the Environment and Public Works Committee this week.

If we don't set up a framework for oversight, the greenhouse gas market could turn into a wild west. The market—estimated to be worth as much as $300 billion annually—would invite the worst kind of manipulation, fraud, and abuse. The resulting volatility would affect consumer energy costs.

This is not a hypothetical. In 2000 and 2001, newly created California energy markets lacked the basic protections in this bill. The electricity and related natural gas markets emerged

before the law caught up, and much of the manipulation that resulted, shockingly, was legal.

Enron, for instance, ran a market where only they knew the prices. Without market transparency laws, this one-sided market was legal.

Enron manipulated natural gas and electricity prices—but nothing in the Natural Gas Act or the Federal Power Act made this manipulation unlawful.

Only years later, after millions of consumers had been harmed, after billions of dollars had been lost, and after the entire west had endured an energy crisis largely fabricated by traders, did Congress act.

We were able to increase market transparency and prohibiting manipulation in natural gas and electricity markets were adopted.

The provisions finally gave a sheriff the ability to impose oversight and record-keeping.

The Federal Energy Regulatory Commission, has put its new authority to good use. It has performed aggressive natural gas market oversight.

This summer it brought its first manipulation case, against Amaranth—a notorious hedge fund that allegedly manipulated natural gas prices month after month.

The Emission Allowance Market Transparency Act would establish transparency and anti-manipulation provisions mirroring the provisions from the Energy Policy Act of 2005.

Markets would be transparent, and manipulation would be illegal.

In addition, this legislation adds anti-fraud provisions and limits excessive speculation. These additional market protections are longstanding principles of the Commodity Exchange Act.

By mirroring proven market oversight mechanisms that protect market participants and consumers, this legislation would slip already broken-in regulatory concepts onto a new market.

This Nation needs to reduce greenhouse gas emissions, and many economists believe that a cap and trade system with a greenhouse gas market would be the most cost efficient way to guarantee emissions reductions.

The economists also tell us that markets are most efficient when buyers and sellers have complete information, no market participant can cheat another, and prices result from supply and demand, not manipulation.

That is why we need to prevent manipulation, fraud, and a lack of transparency.

So this legislation would provide buyers and sellers with complete information; and prevent manipulation, fraud, and excessive speculation.

Bottom line: this legislation is vital to protecting the market integrity of greenhouse gas emissions markets, and it should be included as part of any cap and trade legislation approved by Congress.

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

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

S. 2423

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 ''Emission Allowance Market Transparency Act of 2007''.

SEC. 2. EMISSION ALLOWANCE MARKET TRANSPARENCY.

(a) PURPOSE.—The purpose of this section is to facilitate price transparency in markets for the sale of emission allowances (including markets for real-time, forward, futures, and options) to the maximum extent practicable, taking into consideration—

(1) the public interest;

(2) the integrity of those markets;

(3) fair competition; and

(4) protection of consumers.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) EMISSION ALLOWANCE.—The term ''emission allowance'' means any allowance, credit, or other permit issued pursuant to any Federal law (including regulations) to any individual or entity for use in offsetting the emissions of any pollutant (including any greenhouse gas) by the individual or entity.

(c) DUTIES OF ADMINISTRATOR.—

(1) REGULATIONS.—The Administrator shall promulgate such regulations as the Administrator determines to be necessary to achieve the purpose of this section, including regulations that provide for the dissemination, on a timely basis, of information regarding the availability and prices of emission allowances with respect to—

(A) the Administrator;

(B) State regulatory authorities;

(C) buyers and sellers of the emission allowances; and

(D) the public.

(2) OBTAINING INFORMATION.

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may—

(i) obtain the information described in paragraph (1) directly from any emission allowance market participant; or

(ii) enter into an agreement under which another entity obtains and makes public that information.

(B) LIMITATION.—Any activity carried out by the Administrator or another entity to obtain information pursuant to subparagraph (A) shall be subject to applicable rules designed to prevent the disclosure of information the disclosure of which would be detrimental to the operation of an effective emission allowance market, as determined by the Administrator.

(3) USE OF EXISTING PRICE PUBLISHERS AND SERVICE PROVIDERS.—In carrying out this subsection, the Administrator shall—

(A) take into consideration the degree of relevant price transparency provided by price publishers and providers of trade processing services in operation on the date of enactment of this Act; and

(B) use information and services provided by those publishers and providers to the maximum extent practicable.

(d) ACTIONS BY INDIVIDUALS AND ENTITIES.—

(1) PROHIBITIONS.—It shall be unlawful for any individual or entity—

(A) to knowingly provide to the Administrator (or another entity acting pursuant to an agreement described in subsection (c)(2)(A)(ii)) any false information relating to the price or quantity of emission allowances sold, purchased, transferred, banked, or borrowed by the individual or entity, with the intent to fraudulently affect the data being compiled by the Administrator or other entity;

(B) directly or indirectly, to use in connection with the purchase or sale of an emission allowance any manipulative or deceptive device or contrivance (within the meaning of section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b))), in contravention of such rules and regulations as the Administrator may prescribe to protect the public interest or consumers; or

(C) to cheat or defraud, or attempt to cheat or defraud, another market participant, client, or customer.

(2) MONITORING.—The Administrator shall monitor trading to prevent false reporting, manipulation, and fraud under this section.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection creates any private right of action.

(e) EXCESSIVE SPECULATION.—

(1) FINDING.—Congress finds that excessive speculation relating to emission allowances—

(A) can cause sudden or unreasonable fluctuations or unwarranted changes in the price of emission allowances; and

(B) imposes an unnecessary burden on—

(i) the development of a well-functioning emission allowance market;

(ii) the planning decisions of businesses and industry; and

(iii) consumers.

(2) PREVENTION OF BURDENS.—

(A) IN GENERAL.—To prevent, decrease, or eliminate the burdens associated with excessive speculation relating to emission allowances, the Administrator, in accordance with subparagraph (B) and after providing notice and an opportunity for public comment, shall adopt position limitations or position accountability for speculators as the Administrator determines to be necessary on—

(i) the quantity of trading transactions allowed to be conducted, and the positions eligible to be held, by any individual or entity in any emission allowance market; and

(ii) any emission allowance auction conducted pursuant to Federal law (including regulations).

(B) CONSULTATION.—In carrying out subparagraph (A), the Administrator shall consult with—

(i) the Commodity Futures Trading Commission;

(ii) the Federal Trade Commission; and

(iii) the Federal Energy Regulatory Commission.

(C) NONAPPLICABILITY TO BONA FIDE HEDGING TRANSACTIONS OR POSITIONS.—

(i) IN GENERAL.—No regulation promulgated pursuant to this paragraph shall apply to a transaction or position described in subparagraph (A)(i) that is a bona fide hedging transaction or position, as determined by the Administrator.

(ii) REGULATIONS FOR DEFINITIONS.—The Administrator shall promulgate such regulations as the Administrator determines to be necessary to define the term ''bona fide hedging transaction or position'' for purposes of clause (i), including regulations that permit individuals or entities to hedge any legitimate anticipated business need for any subsequent period during which an appropriate futures contract is open and available on an exchange or other emission allowance market or auction.

(f) PENALTIES.—An individual or entity that, as determined by the Administrator, violates an applicable provision of this section or a regulation promulgated pursuant to this section shall be subject to a fine of $1,000,000, or imprisonment for not more than 10 years, or both, for each violation.

(g) JURISDICTION OF COMMODITY FUTURES TRADING COMMISSION.—Nothing in this section abrogates the jurisdiction of the Commodity Futures Trading Commission with

respect to any contract, agreement, or transaction for future delivery of an emission allowance (including a carbon dioxide credit).

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2427. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I have joined with Senator CORNYN to reintroduce the ''Openness Promotes Effectiveness in our National Government Act—or the OPEN Government Act—the first major reform to the Freedom of Information Act, FOIA, in more than a decade. The Senate passed this historic FOIA reform legislation, S. 849, before adjourning for the August recess. But, sadly, this measure has been stalled in the House Oversight and Government Reform Committee for several months, preventing these long-overdue FOIA reforms from being enacted into law.

Despite the unfortunate delay of this bill, I remain deeply committed to enacting FOIA reform legislation this year. Because time is of the essence, I am requesting that this legislation be immediately placed on the Senate Calendar and that the Senate promptly take up and pass this bill by unanimous consent, so that it can be sent to the House.

The version of the bill introduced today includes ''pay/go'' language that has been requested by the House and eliminates the provision on citations to FOIA exemptions. After needlessly delaying the enactment of this bill for several months, I hope that the House Oversight and Government Reform Committee will promptly take up this important measure, so that the House can enact this legislation and send it to the President before the end of the year.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government. This bill will also improve transparency in the Federal Government's FOIA process by: restoring meaningful deadlines for agency action under FOIA; imposing real consequences on federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to Government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requesters and Federal agencies with a meaningful alternative to costly litigation.

Specifically, the OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including freelance journalists and bloggers, may seek a fee waiver when they request information under FOIA. The bill ensures that Federal agencies will not automatically exclude Internet blogs and other Web-based forms of media when deciding whether to waive FOIA fees. In addition, the bill also clarifies that the definition of news media, for purposes of FOIA fee waivers, includes free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received by the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests. The bill allows Federal agencies to toll the 20-day clock while they are awaiting a response to a reasonable request for information from a FOIA requester on one occasion, or while the agency is awaiting clarification regarding a FOIA fee assessment. In addition, to encourage agencies to meet the 20-day time limit, the bill requires that an agency refund FOIA search fees if it fails to meet the 20-day deadline, except in the case of exceptional circumstances as defined by the FOIA statute. To address pay/go concerns, the bill requires that these refunds come from annual agency appropriations.

The bill also addresses a relatively new concern that, under current law, Federal agencies have an incentive to delay compliance with FOIA requests until just before a court decision is made that is favorable to a FOIA requester. The Supreme Court's decision in Buckhannon Board and Care Home, Inc. v. West Virginia Dep't of Health and Human Resources, 532 U.S. 598, 2001, eliminated the ''catalyst theory'' for attorneys' fees recovery under certain Federal civil rights laws. When applied to FOIA cases, Buckhannon precludes FOIA requesters from ever being eligible to recover attorneys' fees under circumstances where an agency provides the records requested in the litigation just prior to a court decision that would have been favorable to the FOIA requestor. The bill clarifies that Buckhannon does not apply to FOIA cases. Under the bill, a FOIA requester can obtain attorneys' fees when he or she files a lawsuit to obtain records from the Government and the Government releases those records before the court orders them to do so. But this provision would not allow the requester to recover attorneys' fees if the requester's claim is wholly insubstantial. To address pay/go concerns, the bill also requires that any attorneys' fees assessed under this provision be paid from annually appropriated agency funds.

To address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes. In addition the bill ensures that each Federal agency will appoint a Chief FOIA Officer, who will monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to resolve FOIA-related disputes.

Finally, the bill does several things to enhance the agency reporting and tracking requirements under FOIA. Tracking numbers are not required for FOIA requests that are anticipated to take 10 days or less to process. The bill creates a tracking system for FOIA requests to assist members of the public and the media. The bill also establishes a FOIA hotline service for all federal agencies, either by telephone or on the Internet, to enable requestors to track the status of their FOIA requests. The bill also clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

The Freedom of Information Act is critical to ensuring that all American citizens can access information about the workings of their government. But, after four decades, this open government law needs to be strengthened. I am pleased that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated so that it works more effectively for the American people.

I commend the bill's chief Republican cosponsor, Senator JOHN CORNYN, for his commitment and dedication to passing FOIA reform legislation this year. I also thank the many cosponsors of this legislation for their dedication to open government and I thank the Majority Leader for his strong support of this legislation. I am also appreciative of the efforts of Senator KYL in helping us to reach a compromise on this legislation, so that the Senate could consider and pass meaningful FOIA reform legislation.

But, most importantly, I especially want to thank the many concerned citizens who, knowing the importance of this measure to the American people's right to know, have demanded action on this bill. This bill is endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association. The invaluable support of these and many other organizations is what led the opponents of this bill to come around and support this legislation.

I hope that by once again passing this important FOIA reform legislation, the Senate will reaffirm the principle that open government is not a Democratic issue or a Republican issue. But, rather, it is an American issue and an American value. I encourage all of my Senate colleagues, on

both sides of the aisle, to unanimously pass this historic bill.

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

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

S. 2427

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 ''Openness Promotes Effectiveness in our National Government Act of 2007'' or the ''OPEN Government Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), ''The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.'';

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a ''strong presumption in favor of disclosure'' as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) ''disclosure, not secrecy, is the dominant objective of the Act,'' as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the ''need to know'' but upon the fundamental ''right to know''.

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

''The term 'a representative of the news media' means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term 'news' means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of 'news') who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.''.

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) IN GENERAL.—Section 552(a)(4)(E) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(E)''; and

(2) by adding at the end the following:

''(ii) For purposes of this section, a complainant has substantially prevailed if the complainant has obtained relief through either—

''(I) a judicial order, or an enforceable written agreement or consent decree; or

''(II) a voluntary or unilateral change in position by the agency, provided that the complainant's claim is not insubstantial.''.

(b) LIMITATION.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from fees assessed under section 552(a)(4)(E) of title 5, United States Code. Any such amounts shall be paid only from funds annually appropriated for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(F)''; and

(2) by adding at the end the following:

''(ii) The Attorney General shall—

''(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

''(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

''(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).''.

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking ''determination;'' and inserting ''determination. The 20-day period shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event no later than ten days after the request is first received by any component of the agency that is designated in the agency's FOIA regulations to receive FOIA requests. The 20-day period shall not be tolled by the agency except—

''(I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the FOIA requester; or

''(II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period;''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) COMPLIANCE WITH TIME LIMITS.—

(1) IN GENERAL.—

(A) SEARCH FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

''(viii) an agency shall refund search fees under this subparagraph if the agency fails to comply with any time limit under paragraph (6), provided that—

''(I) no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request; and

''(II) such refunds shall be paid from annual appropriations provided to that agency.''.

(B) PUBLIC LIAISON.—Section 552(a)(6)(B)(ii) of title 5, United States Code, is amended by inserting between the first and second sentences the following: ''To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency.''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) IN GENERAL.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

''(7) Each agency shall—

''(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

''(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

''(i) the date on which the agency originally received the request; and

''(ii) an estimated date on which the agency will complete action on the request.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by inserting after the first comma ''the number of occasions on which each statute was relied upon,'';

(2) in subparagraph (C), by inserting ''and average'' after ''median'';

(3) in subparagraph (E), by inserting before the semicolon '', based on the date on which the requests were received by the agency'';

(4) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively; and

(5) by inserting after subparagraph (E) the following:

''(F) the average number of days for the agency to respond to a request beginning on the date on which the request was received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

''(G) based on the number of business days that have elapsed since each request was originally received by the agency—

''(i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;

''(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

''(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

''(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

''(H) the average number of days for the agency to provide the granted information beginning on the date on which the request was originally filed, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

''(I) the median and average number of days for the agency to respond to administrative appeals based on the date on which the appeals originally were received by the agency, the highest number of business days taken by the agency to respond to an administrative appeal, and the lowest number of business days taken by the agency to respond to an administrative appeal;

''(J) data on the 10 active requests with the earliest filing dates pending at each agency, including the amount of time that has elapsed since each request was originally received by the agency;

''(K) data on the 10 active administrative appeals with the earliest filing dates pending before the agency as of September 30 of the preceding year, including the number of business days that have elapsed since the requests were originally received by the agency;

''(L) the number of expedited review requests that are granted and denied, the average and median number of days for adjudicating expedited review requests, and the number adjudicated within the required 10 days;

''(M) the number of fee waiver requests that are granted and denied, and the average and median number of days for adjudicating fee waiver determinations;''.

(b) APPLICABILITY TO AGENCY AND EACH PRINCIPAL COMPONENT OF THE AGENCY.—Section 552(e) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

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

''(2) Information in each report submitted under paragraph (1) shall be expressed in terms of each principal component of the agency and for the agency overall.''.

(c) PUBLIC AVAILABILITY OF DATA.—Section 552(e)(3) of title 5, United States Code, (as redesignated by subsection (b) of this section) is amended by adding after the period ''In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.''.

SEC. 9. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) 'record' and any other term used in this section in reference to information includes—

''(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

''(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.''.

SEC. 10. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) IN GENERAL.—Section 552 of title 5, United States Code, is amended by adding at the end the following:

''(h) There is established the Office of Government lnformation Services within the National Archives and Records Administration. The Office of Government Information Services shall review policies and procedures of administrative agencies under section 552, shall review compliance with section 552 by administrative agencies, and shall recommend policy changes to Congress and the President to improve the administration of section 552. The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under section 552 and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

''(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of section 552 and issue reports detailing the results of such audits.

''(j) Each agency shall—

''(1) Designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

''(a) GENERAL DUTIES.—The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

''(A) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;

''(B) monitor FOIA implementation throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA;

''(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of the FOIA;

''(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

''(E) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply.

''(2) Designate one or more FOIA Public Liaisons who shall be appointed by the Chief FOIA Officer.

''(b) GENERAL DUTIES.—FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center Staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

''(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.''.

SEC. 11. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate; and

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

By Mr. BROWN:

S. 2431. A bill to address emergency shortages in food banks; to the Committee on Appropriations.

Mr. BROWN. Mr. President, across Ohio and the Nation, many families rely on food banks to survive. I rise to introduce an emergency assistance measure—$40 million in bridge funding for the Emergency Food Assistance Program.

When a child knows there will be no dinner waiting for her at home, that is an emergency. When a mother or father cannot put food on the table for a family, that is an emergency. When an elderly couple eats one small meal a day, that is an emergency. Across the country, lines at food banks are already longer than they were at this time last year. That is an emergency. It is a health emergency. It is a humanitarian emergency.

In Ohio, food reserves intended to last until July are projected to run out by February. Food banks are being forced to ration food and turn hungry people away already, in a particularly bad time of year. In Lorain County, in north central and northern Ohio, the food bank has run out of food three times this winter. Remember, it is only early December. Many of us, especially in this Chamber, who are so very blessed, celebrate the holidays by buying presents for our loved ones. For too many families in Ohio and in other States across this country, food on the

table will be the greatest gift they can give this holiday season.

In Cleveland, one of the food distribution centers is Cooley Avenue Church of God. There, Pastor Richard Bolls hands out food to an elderly man, Norm. Of the food bank, Norm says:

At the end of the month I have just $19 left after paying for my rent, my utilities, and my medicine. Normally I wouldn't get fruit and vegetables to eat. I consider this my ice cream.

It was 28 degrees and windy in Cleveland on Tuesday, colder today. At 11 o'clock in the morning, Christian, a native of the Mount Pleasant area of Cleveland, and her newborn stood in line for food at the Cleveland Food Bank, recognized as the No. 1 food bank in the country recently. Christian is a trained nurse's assistant. She has been searching for a job for 6 months since she had her baby, without luck. She notices the price of food she buys at the supermarket seems to rise every day. with the cost of caring for a newborn and the rise in food and fuel prices—heating and gasoline—Christian stood in line at the food bank Tuesday because she cannot afford to feed her family without some additional help.

Christian and Norm have heartbreaking stories, but their stories are not unique. More Americans are lining up at food banks this year. Most are working Ohioans and working people. Many are middle-class Americans, teetering on the edge. Additional funding for the emergency food stamp program is the most immediate Federal solution to the national food crisis.

This food bank crisis underscores the need to pass the farm bill. The farm bill is an agriculture bill, it is a hunger bill, it is an energy bill, it is a conservation bill. I applaud Chairman TOM HARKIN, the Senator from Iowa, for his leadership on this bill. This farm bill helps family farmers in Ohio and across the country by strengthening the farm safety net. For the first time ever, farmers will be able to enroll in a program that ensures against revenue instability, which for many farmers means either a bad yield or low prices. But either can be devastating.

With the right resources and the right incentives, farmers can help decrease our dependence on foreign oil and produce clean, sustainable, renewable energy.

This bill, the farm bill which we hope to pass before we leave this month, increases food stamp benefits and indexes the benefits to inflation. When the purchasing power of food stamps erodes, so does our progress against hunger. Food stamps today amount to about $1 per person per meal. A mother with two children gets about $9 in food stamps. That is the extent of the benefit. This farm bill, bipartisanly agreed to, will increase that.

We are the wealthiest country in the world, a caring and compassionate people. Families in our country, especially families who work hard and play by the rules, should never, ever go hungry.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—DESIGNATING MARCH 11, 2008, AS NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. KOHL submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 390

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a meaningful funeral ceremony;

Whereas funeral directors and morticians have dedicated their professional lives to serving the families of their communities in their times of need for generations with caring, compassion, and integrity;

Whereas these special men and women see their chosen profession as a higher calling, a sacred trust, in serving every family regardless of social standing, financial means, or time of day or day of the year, whenever a death occurs; and

Whereas on this special day, March 11, 2008, it would be appropriate to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the Senate—

(1) takes this opportunity to pay the Nation's collective debt of gratitude for all the hours and all the times they have put someone ahead of themselves by serving the living while caring for the dead;

(2) urges every American of every walk of life to embrace each of these special individuals with heartfelt thanks for their dedication to their profession; and

(3) designates March 11, 2008, as ''National Funeral Director and Mortician Recognition Day''.

SENATE RESOLUTION 391—CALLING ON THE PRESIDENT OF THE UNITED STATES TO ENGAGE IN AN OPEN DISCUSSION WITH THE LEADERS OF THE REPUBLIC OF GEORGIA TO EXPRESS SUPPORT FOR THE PLANNED PRESIDENTIAL ELECTIONS AND THE EXPECTATION THAT SUCH ELECTIONS WILL BE HELD IN A MANNER CONSISTENT WITH DEMOCRATIC PRINCIPLES

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 391

Whereas the Republic of Georgia, which is an emerging democracy strategically located between Turkey and Russia, is an important political and geopolitical ally of the United States;

Whereas Georgia has made significant economic progress since 2000, with an economic growth rate that now exceeds 9 percent on an annual basis, and was named the top economic reformer in the world by the World Bank in 2006;

Whereas the Government of Georgia has been a leader in addressing the proliferation of weapons of mass destruction under the Nunn-Lugar Cooperative Threat Reduction Program;

Whereas the Government of Georgia is working to become a candidate for membership in the North Atlantic Treaty Organization (NATO) and the European Union;

Whereas the United States Government strongly supports the territorial integrity of Georgia and works actively toward a peaceful settlement of the Abkhazia and South Ossetia conflicts that might lead those regions toward greater autonomy within a unified Georgia;

Whereas the popular uprising in Georgia in 2003, the Rose Revolution, led to the establishment of democracy in that country;

Whereas opposition parties in Georgia engaged in demonstrations lasting several days beginning on November 2, 2007;

Whereas the President of Georgia, Mikheil Saakashvili, declared a state of emergency on November 7, 2007, after which the country's main opposition television station, Imedi, was closed;

Whereas Deputy Assistant Secretary of State Matthew Bryza visited Georgia on November 10-11, 2007, and urged the Government of Georgia to reopen its private television stations, stating on Georgian state television: ''A cornerstone of democracy is that all TV stations should remain open.'';

Whereas President Saakashvili ended emergency rule on November 17, 2007, and announced presidential elections to be held on January 5, 2008;

Whereas the Government of Georgia has announced the reopening of the major opposition television station, Imedi;

Whereas the Government of Georgia has invited international election monitors to oversee the elections and thereby contribute to greater international recognition of the Georgian political process; and

Whereas freedom of the press, freedom of political expression, and a fair and impartial judiciary are among the most fundamental tenets of democracy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should publicly state strong support for free and fair elections to be held in Georgia on January 5, 2008, in accordance with democratic principles; and

(2) the Government of Georgia, in order to restore faith in the democratic evolution of the country—

(A) must conduct free and fair elections, without government interference; and

(B) must permit all independent media to remain open and report on the elections.

Mr. LUGAR. Mr. President, I send a resolution to the desk concerning the upcoming elections in the Republic of Georgia.

I am pleased that Senators BIDEN and DODD have agreed to cosponsor this legislation. Our goal is to express our strong hopes that the Republic of Georgia will return to the democratic path and embrace a free and fair election process. The United States was founded on the principles of personal rights and liberties, and we must champion a respect for democracy and human rights. This must include U.S. efforts to expand initiatives that promote freedom of the press and freedom of the media worldwide, which I believe underpin a nation's ability to respect human rights and practice democratic governance.

The international community has monitored closely developments over the last several weeks and months in the Republic of Georgia. I have visited Georgia on several occasions and consider myself a strong friend of the Georgian people.

In 2003 the population of Georgia rose up to overthrow their government. The Rose Revolution, as it was called, was truly an inspirational moment for supporters of democracy and freedom around the world. President Bush has rightly called Georgia and the government of President Saakashvilli ''a beacon for democracy.''

The Georgian President and a strong cabinet of reform-minded leaders have implemented an aggressive reform agenda with the goal of joining the European Union and the NATO Alliance. This independent course was a brave effort to emerge from the authoritarian shadows of the Soviet Union and reduce its dependency on Russia.

In addition to political reforms, Georgia has enjoyed remarkable economic progress. This year the country's economy is estimated to grow at a rate of 9 percent and continues to be an international leader in its economic reform efforts.

Unfortunately, this impressive record has been threatened by recent events that could undermine the progress that has been achieved in Georgia. I was dismayed to learn of the imposition of emergency rule and the government's action to assert control over private media companies. While the threats to Georgia are clear and extremely dangerous, the suspension of basic freedoms was a significant step backward on Tbilisi' s path toward a market oriented, democratic country. It is important that the United States express our concerns about activities that may undermine the strong record that has been built by Georgia.

I was relieved to learn that emergency rule was ended on November 17 and that restrictions on private media will be lifted this week. I applaud the efforts by the Department of State to send a strong, clear and unequivocal message to the government in Tbilisi.

The Republic of Georgia must return to the path of democracy. President Saakashvili has an opportunity to take important steps in this direction by ensuring that all political parties have equal opportunity and access to media coverage and that the election process is free and fair. I recommend that the Government of Georgia reject the strategies of some countries, including most recently Russia, to frustrate and interfere with international election monitors, particularly those from the OSCE. Instead, Georgia should take additional steps to ensure that the OSCE and other constructive organizations who want to observe the elections can participate fully and as quickly as possible.

It is my goal that this resolution will serve as encouragement to President Saakashvili and his government to embrace democracy and ensure that the upcoming elections are the freest and fairest in Georgian history.

SENATE RESOLUTION 392—RECOGNIZING THE 60TH ANNIVERSARY OF EVERGLADES NATIONAL PARK

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 392

Whereas Everglades National Park will celebrate its 60th anniversary on December 6, 2007;

Whereas when President Harry S Truman dedicated Everglades National Park on December 6, 1947, he stated: ''Here is land, tranquil in its quiet beauty, serving not as the source of water, but as the last receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country'';

Whereas Marjory Stoneman Douglas gave the Everglades the name ''River of Grass'' stating, ''There are no other Everglades in the world'';

Whereas Everglades National Park has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance, in recognition of its significance to all the people of the world;

Whereas the Everglades ecosystem encompasses 3,000,000 acres of wetlands and is the largest subtropical wilderness in the United States featuring slow-moving freshwater that flows south from Lake Okeechobee through sawgrass and tree islands to the mangroves and seagrasses of Florida Bay;

Whereas Everglades National Park is home to rare and endangered species, such as the American crocodile, the Florida panther, and the Western Indian manatee and more than 350 species of birds, including the Great Egret, Wood Stork, Swallow-tailed Kite, and Roseate Spoonbill;

Whereas the greater Everglades ecosystem is also an international center for business, agriculture, and tourism, with a rapidly growing population of varied ethnic, economic, and social values, all of which are dependent on a fully functioning ecosystem for an adequate freshwater supply, a healthy and sustainable economy, and overall quality of life;

Whereas Everglades National Park is the subject of the most extensive ecosystem restoration plan in the history of mankind, the Comprehensive Everglades Restoration Plan; and

Whereas this restoration plan must succeed in order for the treasures of Everglades National Park to be passed on to our children and grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 60th anniversary of Everglades National Park; and

(2) dedicates itself to the success of the Comprehensive Everglades Restoration Plan.

SENATE RESOLUTION 393—EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE TRAGIC EVENTS OF DECEMBER 5, 2007, AT WESTROADS MALL IN OMAHA, NEBRASKA

Mr. NELSON of Nebraska (for himself and Mr. HAGEL) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas, on Wednesday, December 5, 2007, the worst mass slaying in Nebraska history occurred at Westroads Mall in Omaha;

Whereas lives were tragically lost, and others were wounded;

Whereas the brave men and women of the Omaha Police Department, Fire Department, and other emergency responders acted valiantly to save lives;

Whereas the people of Omaha have embraced those affected and will continue to offer support to their neighbors who have suffered from this tragedy; and

Whereas the community of Omaha will endure the aftereffects of this tragedy to emerge stronger than it was before: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the friends and families of those who lost their lives in the tragic shooting on December 5, 2007, at Westroads Mall in Omaha, Nebraska: Gary Sharf of Lincoln, Nebraska, John McDonald of Council Bluffs, Iowa, and Angie Schuster, Maggie Webb, Janet Jorgensen, Diane Trent, Gary Joy, and Beverly Flynn, all of Omaha;

(2) shares its prayers and best wishes for recovery to those who were wounded;

(3) extends its thanks to the first responders, police, and medical personnel who responded so quickly and decisively to provide aid and comfort to the victims; and

(4) stands with the people of Omaha as they begin the healing process in the aftermath of this terrible attack.

SENATE RESOLUTION 394—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN ASSOCIATION FOR CANCER RESEARCH AND DECLARING THE MONTH OF MAY 2007 AS NATIONAL CANCER RESEARCH MONTH

Mrs. FEINSTEIN (for herself, Mr. STEVENS, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 394

Whereas the American Association for Cancer Research, the oldest and largest scientific cancer research organization in the United States, was founded on May 7, 1907, at the Willard Hotel in Washington, DC, by a group of physicians and scientists interested in research to further the investigation into and spread new knowledge about cancer;

Whereas the American Association for Cancer Research is focused on every aspect of high-quality, innovative cancer research and is the authoritative source of information and publications about advances in the causes, diagnosis, treatment, and prevention of cancer;

Whereas, since its founding, the American Association for Cancer Research has accelerated the growth and dissemination of new knowledge about cancer and the complexity of this disease to speed translation of new discoveries for the benefit of cancer patients, and has provided the information needed by elected officials to make informed decisions on public policy and sustained funding for cancer research;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and government have led to advanced breakthroughs, early detection

tools which have increased survival rates, and a better quality of life for cancer survivors;

Whereas our national investment in cancer research has yielded substantial returns in terms of research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves our national economy $500,000,000,000;

Whereas cancer continues to be one of the most pressing public health concerns, killing 1 American every minute, and 12 individuals worldwide every minute;

Whereas the American Association for Cancer Research Annual Meeting on April 14 through 18, 2007, was a large and comprehensive gathering of leading cancer researchers, scientists, and clinicians engaged in all aspects of clinical investigations pertaining to human cancer as well as the scientific disciplines of cellular, molecular, and tumor biology, carcinogenesis, chemistry, developmental biology and stem cells, endocrinology, epidemiology and biostatistics, experimental and molecular therapeutics, immunology, radiobiology and radiation oncology, imaging, prevention, and survivorship research;

Whereas, as part of its centennial celebration, the American Association for Cancer Research has published ''Landmarks in Cancer Research'' citing the events or discoveries after 1907 that have had a profound effect on advancing our knowledge of the causes, mechanisms, diagnosis, treatment, and prevention of cancer;

Whereas these ''Landmarks in Cancer Research'' are intended as an educational, living document, an ever-changing testament to human ingenuity and creativity in the scientific struggle to understand and eliminate the diseases collectively known as cancer;

Whereas, because more than 60 percent of all cancer occurs in people over the age of 65, issues relating to the interface of aging and cancer, ranging from the most basic science questions to epidemiologic relationships and to clinical and health services research issues, are of concern to society; and

Whereas the American Association for Cancer Research is proactively addressing these issues paramount to our aging population through a Task Force on Cancer and Aging, special conferences, and other programs which engage the scientific community in response to this demographic imperative: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the American Association for Cancer Research on its 100 year anniversary celebration, ''A Century of Leadership in Science—A Future of Cancer Prevention and Cure'';

(2) recognizes the invaluable contributions made by the American Association for Cancer Research in its quest to prevent and cure cancer and save lives through cancer research;

(3) expresses the gratitude of the people of the United States for the American Association for Cancer Research's contributions toward progress in advancing cancer research; and

(4) declares the month of May 2007 as National Cancer Research Month to support the American Association for Cancer Research in its public education efforts to make cancer research a national and international priority, so that one day the disease of cancer will be relegated to history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3804. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3996, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 3805. Mr. CORKER (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3806. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS , Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3807. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3808. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3809. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3810. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3811. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3812. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3813. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3814. Ms. STABENOW (for herself, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3815. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI, Mr. NELSON of Florida, Mr. MCCAIN, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3816. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3817. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS , Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3818. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3804. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3996, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tax Increase Prevention Act of 2007''

SEC. 2. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended—

(1) by striking ''($62,550 in the case of taxable years beginning in 2006)'' in subparagraph (A) and inserting ''($66,250 in the case of taxable years beginning in 2007)'', and

(2) by striking ''($42,500 in the case of taxable years beginning in 2006)'' in subparagraph (B) and inserting ''($44,350 in the case of taxable years beginning in 2007)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking ''or 2006'' and inserting ''2006, or 2007'', and

(2) by striking ''2006'' in the heading thereof and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 3805. Mr. CORKER (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1500, between lines 10 and 11, insert the following:

PART V—COMPETITIVE CERTIFICATION AWARDS

SEC. 12701. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.

(a) IN GENERAL.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

''(h) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of

transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

SA 3806. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 266, between lines 10 and 11, insert the following:

SEC. 19___. ELIGIBILITY FOR DEPARTMENT PROGRAMS.

(a) IN GENERAL.—Section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) REQUIREMENT TO PURCHASE CROP INSURANCE.—Effective for the spring-planted 2008 and subsequent crops (and fall-planted 2008 crops at the option of the Secretary) of each agricultural commodity or commercial crop (other than dairy or livestock), to be eligible for any benefit described in clause (ii), a person shall—

''(I) in the case of an agricultural commodity for which insurance is available under this title, obtain at least the catastrophic level of insurance for each crop of economic significance in which the person has an interest; or

''(II) in the case of an eligible crop for which payments are available under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), provides a level of coverage that is comparable to the coverage described in subclause (I), as determined by the Secretary.

''(ii) COVERED BENEFITS.—Benefits referred to in clause (i) are—

''(I) any type of price support, payment, loan, or other benefit, as determined by the Secretary, under—

''(aa) title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.);

''(bb) title I of the Food and Energy Security Act of 2007;

''(cc) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

''(dd) any law providing agricultural disaster assistance; or

''(ee) any other similar Act administered by the Secretary, as determined by the Secretary; or

''(II) any benefit described in section 371(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f(b)).

''(iii) WAIVER.—To be eligible for any benefit described in clause (ii), a person that elects not to obtain coverage described in subclause (I) or (II) of clause (i) for an agricultural commodity or commercial crop shall submit to the Secretary a written waiver to waive any eligibility for emergency crop loss assistance for that agricultural commodity or commercial crop.''.

(b) OFFSET.—

(1) IN GENERAL.—The cost of the amendment made by subsection (a) shall be offset by the savings accrued as a result of the amendment made by paragraph (3).

(2) REMAINING COSTS.—Any costs remaining after the amendment made by paragraph (3) shall be offset from amounts made available for each of fiscal years 2008 through 2012 to carry out Forest Service land acquisition.

(3) ADJUSTED GROSS INCOME LIMITATION.—Notwithstanding the amendment made by section 1704(c), section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) (as amended by section 1704(c)) is amended by striking paragraphs (1) and (2) of subsection (b) and inserting the following:

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) 2009.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during the 2009 crop or fiscal year (as appropriate) if the average adjusted gross income of the individual or entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(B) 2010 AND SUBSEQUENT YEARS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2010 and subsequent crop or fiscal years (as appropriate) if the average adjusted gross income of the individual or entity exceeds $750,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) Title XII of this Act.

''(B) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(D) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(E) Title II of the Food and Energy Security Act of 2007.

''(F) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223).''.

SA 3807. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 1107__. EXPENDITURE OF CERTAIN FUNDS.

None of the funds made available or authorized to be appropriated by this Act or an amendment made by this Act (including funds for any loan, grant, or payment under a contract) may be expended for any activity relating to the planning, construction, or maintenance of, travel to, or lodging at a golf course, resort, or casino.

Strike section 6023.

Strike section 6025 and insert the following:

SEC. 6025. HISTORIC BARN PRESERVATION.

Section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o) is amended—

(1) in subsection (c)(4)—

(A) by striking ''There are'' and inserting the following:

''(A) IN GENERAL.—There are''; and

(B) by adding at the end the following:

''(B) LIMITATION.—If, at any time during the 2–year period preceding the date on which funds are made available to carry out this section, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency—

''(i) none of the funds made available to carry out this section shall be used for the program under this section; and

''(ii) the funds made available to carry out this section shall be—

''(I) used to carry out programs that address the agricultural emergencies identified by Congress or the President; or

''(II) returned to the Treasury of the United States for debt reduction to offset the costs of the emergency agricultural spending.''; and

(2) by adding at the end the following:

''(d) REPEAL.—If, during each of 5 consecutive fiscal years, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency, this section is repealed.''.

SA 3808. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 416, between lines 16 and 17, insert the following:

SEC. 6003A. RURAL BROADBAND.

Section 306(a)(20(E) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended by striking ''dial-up Internet access or''.

SA 3809. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 755 after line 22, insert the following:

SEC. 60___. INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by adding at the end the following:

''(E) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—Notwithstanding subparagraph (A), for loans (other than guaranteed loans) for water and waste disposal facilities—

''(i) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall set the interest rate equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average

maturity of such loans, adjusted to the nearest one-eight of 1 per centum; and

''(ii) in the case of a loan that would be subject to the 7 percent limitation in subparagraph (A), the Secretary shall set the interest rate equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of such loans, adjusted to the nearest one-eight of 1 per centum.''.

SA 3810. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

SA 3811. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Except as provided in subparagraph (C) and notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of

the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Except as provided in subparagraph (C) and notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(C) EXCEPTIONS.—This subsection shall not apply to—

''(i) a public school; or

''(ii) an organization that is—

''(I) described in section 501(c)(3) of the Internal Revenue Code of 1986;

''(II) organized and operated exclusively for charitable purposes; and

''(III) exempt from taxation under section 501(a) of that Code.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

SA 3812. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, between lines 2 and 3, insert the following:

SEC. 19___. ENTERPRISE AND WHOLE FARM UNITS.

(a) SAVINGS.—Any savings realized by the amendment made by subsection (b) shall be used by the Secretary to provide matching funds under section 524(b)(4)(C) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C) (as added by section 1921).

(b) ENTERPRISE AND WHOLE FARM UNITS.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

''(6) ENTERPRISE AND WHOLE FARM UNITS.—

''(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2) for policyholders that convert from a plan or policy of insurance for which the insurable unit is defined on optional or basic unit basis.

''(B) ELIGIBILITY.—To be eligible to participate in a pilot program established under this paragraph, a policyholder shall—

''(i) have purchased additional coverage for the 2005 crop on an optional or basic unit basis for at least 90 percent of the acreage to be covered by enterprise or whole farm unit policy for the current crop; and

''(ii) purchase the enterprise or whole farm unit policy at not less than the highest coverage level that was purchased for the acreage for the 2005 crop.

''(C) AMOUNT.—

''(i) IN GENERAL.—The amount of the premium per acre paid by the Corporation to a policyholder for a policy with an enterprise and whole farm unit under this paragraph shall be, the maximum extent practicable, equal to the average dollar amount of subsidy per acre paid by the Corporation under paragraph (2) for a basic or optional unit.

''(ii) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed the total premium for the enterprise or whole farm unit policy.

''(D) CONVERSION OF PILOT TO A PERMANENT PROGRAM.—Not earlier than 180 days after the date of enactment of this paragraph, the Corporation may convert the pilot program described in this paragraph to a permanent program if the Corporation has—

''(i) carried out the pilot program;

''(ii) analyzed the results of the pilot program; and

''(iii) submitted to Congress a report describing the results of the analysis.''.

SA 3813. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2012, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 35 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used—

(1) to provide $15,000,000 for each of fiscal years 2008 through 2012 to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1943);

(2) to provide an additional $35,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 through 2012 to carry out section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) (as amended by section 6401);

(3) to provide an additional $5,000,000 for each of fiscal years 2008 through 2012 to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(4) to provide an additional $10,000,000 for each of fiscal years 2008 through 2012 to carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) (as amended by section 11052);

(5) to provide an additional $30,000,000 for each of fiscal years 2008 through 2012 to carry out the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program'');

(6) to provide an additional $5,000,000 for fiscal year 2008 to carry out the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(7) to carry out sections 4101 and 4013 (and the amendments made by those sections), without regards to paragraphs (1) and (3) of section 4908(b); and

(8) to make any funds that remain available after providing funds under paragraphs (1) through (7) to the Commodity Credit Corporation for use in carrying out section 1942.

SEC. 1942. FLEXIBLE STATE FUNDS.

(a) FUNDING.—

(1) BASE GRANTS.—The Secretary shall make a grant to each State to be used to benefit agricultural producers and rural communities in the State, in the amount of—

(A) for fiscal year 2008, $220,000; and

(B) for the period of fiscal years 2009 through 2017, $2,500,000.

(2) PROPORTIONAL FUNDING.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall allocate among the States $220,000,000 for fiscal years 2009 through 2017, with each State receiving a grant in an amount equal to the proportion that—

(i) the amount of the reduction in payments in the State under section 1941(a); bears to

(ii) the total amount of reduced payments in all States under that section.

(B) STATE FUNDS.—The Secretary shall maintain a separate account for each State consisting of amounts allocated for the State in accordance with subparagraph (A).

(C) USE OF FUNDS.—The Secretary shall use amounts maintained in a State account described in subparagraph (B) to carry out eligible programs in the appropriate State in accordance with a determination made by a State board under subsection (b)(3).

(b) STATE BOARDS.—

(1) IN GENERAL.—The Secretary shall establish a State board for each State that consists of the State directors of—

(A) the Farm Service Agency;

(B) the Natural Resources Conservation Service; and

(C) USDA-Rural Development.

(2) STAKEHOLDER INPUT.—A State board established under paragraph (1) shall consult with and conduct appropriate outreach activities with respect to relevant State agencies (including State agencies with jurisdiction over agriculture, rural development, public schools, and nutrition assistance), producers, and local rural and agriculture industry leaders to collect information and provide advice regarding the needs and preferred uses of the funds provided under this section.

(3) DETERMINATION.—

(A) IN GENERAL.—Each State board shall determine the use of funds allocated under subsection (a)(2) among the eligible programs described in subsection (c)(1) based on the State needs and priorities as determined by the board.

(B) REQUIREMENT.—Of the funds allocated under subsection (a)(2) during each 5-year period, at least 20 percent of the funds shall be used to carry out eligible programs described in subparagraphs (M) through (P) of subsection (c)(1).

(c) ELIGIBLE PROGRAMS.—

(1) IN GENERAL.—Funds allocated to a State under subsection (b) may be used in the State—

(A) to provide stewardship payments for conservation practices under the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

(B) to provide cost share for projects to reduce pollution under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including manure management;

(C) to assist States and local groups to purchase development rights from farms and slow suburban sprawl under the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program'');

(D) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(E) to provide loans and loan guarantees to improve broadband access in rural areas in accordance with the program under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb);

(F) to provide to rural community facilities loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(G) to provide water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(H) to make value-added agricultural product market development grants under section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224);

(I) the rural microenterprise assistance program under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022);

(J) to provide organic certification cost share or transition funds under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(K) to provide grants under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001);

(L) to provide grants under the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(M) to provide vouchers for the seniors farmers' market nutrition program under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007);

(N) to provide vouchers for the farmers' market nutrition program established under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m));

(O) to provide grants to improve access to local foods and school gardens under section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)); and

(P) subject to paragraph (2), to provide additional locally or regionally produced commodities for use by the State for any of—

(i) the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act (as added by section 4903);

(ii) the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

(iii) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(iv) the child and adult care food program established under section 17 of the Richard

B. Russell National School Lunch Act (42 U.S.C. 1766); and

(v) the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(b)).

(2) WAIVERS.—

(A) IN GENERAL.—The Secretary may waive a local or regional purchase requirement under any program described in clauses (i) through (v) of paragraph (1)(P) if the applicable State board demonstrates to the satisfaction of the Secretary that a sufficient quality or quantity of a local or regional product is not available.

(B) EFFECT.—A product purchased by a State board that receives a waiver under subparagraph (A) in lieu of a local or regional product shall be produced in the United States.

(d) MAINTENANCE OF EFFORT.—Funds made available to a program of a State under this section shall be in addition to, and shall not supplant, any other funds provided to the program under any other Federal, State, or local law (including regulations).

SEC. 1943. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

"SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

''(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

''(B) making improvements to computer software and hardware;

''(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

''(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

''(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

''(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

''(i) integrates patient-specific clinical data with well-established national treatment guidelines;

''(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

''(iii) integrates with larger health networks.

''(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

''(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

''(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

''(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

''(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

''(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

''(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

''(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

''(F) a physician or physician group practice that is located in a rural area.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

''(1) purchasing health information technology to improve the quality of health care or patient safety; or

''(2) otherwise improving the quality of health care or patient safety, including through the development of—

''(A) quality improvement support structures to assist rural health facilities and professionals—

''(i) to increase integration of personal and population health services; and

''(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

''(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

''(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

''(1) to evaluate the project for which the grant is used; and

''(2) to ensure that the grant is expended for the purposes for which the grant was provided.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SA 3814. Ms. STABENOW (for herself, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 110___. SEAFOOD AND AQUACULTURE BLOCK GRANT PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) STATE.—The term ''State'' means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(2) STATE DEPARTMENT OF AGRICULTURE.—The term ''State department of agriculture'' means the agency, commission, or department of a State government responsible for agriculture within the State.

(b) AVAILABILITY AND PURPOSE OF GRANTS.—Subject to the appropriation of funds to carry out this section, the Secretary shall carry out a pilot program to make grants to States for each of fiscal years 2008 through 2012 to be used by the State department of agriculture solely to enhance the competitiveness of seafood and aquaculture.

(c) GRANTS BASED ON VALUE OF PRODUCTION.—Subject to subsection (e), the amount of the grant for a fiscal year to a State under this section shall bear the same ratio to the total amount appropriated pursuant to the authorization of appropriations in subsection (j) for that fiscal year as—

(1) the value of seafood and aquaculture production in the State during the preceding calendar year; bears to

(2) the value of seafood and aquaculture production during the preceding calendar year in all States whose application for a grant for that fiscal year is accepted by the Secretary under subsection (g).

(d) MINIMUM GRANT AMOUNT.—Subject to the appropriation of sufficient funds to carry out this subsection, each State shall receive at least $100,000 each fiscal year as a grant under this section notwithstanding the amount calculated under subsection (c) for the State.

(e) ELIGIBILITY.—To be eligible to receive a grant under this section, a State department of agriculture shall prepare and submit, for approval by the Secretary, an application at such time, in such a manner, and containing such information as the Secretary shall require by regulation, including—

(1) a State plan that meets the requirements of subsection (c);

(2) an assurance that the State will comply with the requirements of the plan; and

(3) an assurance that grant funds received under this section shall supplement the expenditure of State funds in support of seafood and aquaculture, rather than replace State funds.

(f) PLAN REQUIREMENTS.—The State plan shall—

(1) identify the lead agency charged with the responsibility of carrying out the plan; and

(2) indicate how the grant funds will be used to enhance the competitiveness of seafood and aquaculture.

(g) REVIEW OF APPLICATION.—

(1) IN GENERAL.—In reviewing the application of a State submitted under subsection (b), the Secretary shall ensure that the State plan would carry out the purpose of grant program.

(2) DISCRETION.—The Secretary may accept or reject applications for a grant under this section.

(h) EFFECT OF NONCOMPLIANCE.—If the Secretary, after reasonable notice to a State, finds that there has been a failure by the State to comply substantially with any provision or requirement of the State plan, the Secretary may disqualify, for 1 or more years, the State from receipt of future grants under this section.

(i) AUDIT REQUIREMENTS.—

(1) IN GENERAL.—For each year that a State receives a grant under this section, the State shall conduct an audit of the expenditures of grant funds by the State.

(2) SUBMISSION TO SECRETARY.—Not later than 30 days after the completion of the audit, the State shall submit a copy of the audit to the Secretary.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this section $44,500,000 for each of fiscal years 2008 through 2012.

SA 3815. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED,

Mr. HATCH, Ms. COLLINS, Mr. DOMENICI, Mr. NELSON of Florida, Mr. MCCAIN, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Food and Energy Security Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—PRODUCER INCOME PROTECTION PROGRAMS

Subtitle A—Traditional Payments and Loans

Sec. 1001. Commodity programs.

Subtitle B—Risk Management Accounts

Sec. 1101. Definitions.
Sec. 1102. Risk management account contracts.
Sec. 1103. Treatment of risk management account accounts on transfer.
Sec. 1104. Administration of risk management accounts.

Subtitle C—Sugar

Sec. 1201. Sugar program.
Sec. 1202. Storage facility loans.
Sec. 1203. Commodity Credit Corporation storage payments.
Sec. 1204. Flexible marketing allotments for sugar.
Sec. 1205. Sense of the Senate regarding NAFTA sugar coordination.

Subtitle D—Dairy

Sec. 1301. Dairy product price support program.
Sec. 1302. National dairy market loss payments.
Sec. 1303. Dairy export incentive and dairy indemnity programs.
Sec. 1304. Funding of dairy promotion and research program.
Sec. 1305. Revision of Federal marketing order amendment procedures.
Sec. 1306. Dairy forward pricing program.
Sec. 1307. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1308. Federal Milk Marketing Order Review Commission.
Sec. 1309. Mandatory reporting of dairy commodities.

Subtitle E—Administration

Sec. 1401. Administration generally.
Sec. 1402. Suspension of permanent price support authority.
Sec. 1403. Payment limitations.
Sec. 1404. Adjusted gross income limitation.
Sec. 1405. Availability of quality incentive payments for certain producers.
Sec. 1406. Hard white wheat development program.
Sec. 1407. Durum wheat quality program.
Sec. 1408. Storage facility loans.
Sec. 1409. Personal liability of producers for deficiencies.
Sec. 1410. Extension of existing administrative authority regarding loans.
Sec. 1411. Assignment of payments.
Sec. 1412. Cotton classification services.
Sec. 1413. Designation of States for cotton research and promotion.
Sec. 1414. Government publication of cotton price forecasts.
Sec. 1415. State, county, and area committees.
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Sec. 1417. Signature authority.
Sec. 1418. Modernization of Farm Service Agency.
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Subtitle F—Specialty Crop Programs

Sec. 1501. Definitions.

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Sec. 1512. Farmers' market promotion program.
Sec. 1513. Food safety initiatives.
Sec. 1514. Census of specialty crops.

PART II—ORGANIC PRODUCTION

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Sec. 1522. Exemption of certified organic products from assessments.
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Sec. 1524. National organic program.

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Sec. 1532. Market access program.
Sec. 1533. Technical assistance for specialty crops.
Sec. 1534. Consultations on sanitary and phytosanitary restrictions for fruits and vegetables.

PART IV—SPECIALTY CROPS COMPETITIVENESS

Sec. 1541. Specialty crop block grants.
Sec. 1542. Grant program to improve movement of specialty crops.
Sec. 1543. Healthy Food Enterprise Development Center.

PART V—MISCELLANEOUS

Sec. 1551. Clean plant network.
Sec. 1552. Market loss assistance for asparagus producers.
Sec. 1553. Mushroom promotion, research, and consumer information.
Sec. 1554. National Honey Board.
Sec. 1555. Identification of honey.
Sec. 1556. Expedited marketing order for Hass avocados for grades and standards and other purposes.

Subtitle G—Risk Management

Sec. 1601. Definition of organic crop.
Sec. 1602. General powers.
Sec. 1603. Reduction in loss ratio.
Sec. 1604. Controlled business insurance.
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Sec. 2001. Definitions.

Subtitle B—Highly Erodible Land Conservation

Sec. 2101. Review of good faith determinations; exemptions.

Subtitle C—Wetland Conservation

Sec. 2201. Review of good faith determinations.

Subtitle D—Agricultural Resources Conservation Program

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Sec. 2311. Conservation reserve program.
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''SUBCHAPTER D—HEALTHY FORESTS RESERVE PROGRAM

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''SUBCHAPTER A—COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM

''Sec. 1240T. Comprehensive stewardship incentives program.

''SUBCHAPTER B—CONSERVATION STEWARDSHIP PROGRAM

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''TITLE IX—ENERGY

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SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—PRODUCER INCOME PROTECTION PROGRAMS

Subtitle A—Traditional Payments and Loans

SEC. 1001. COMMODITY PROGRAMS.

(a) REPEALS.—Subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) (other than sections 1001, 1101, 1102, 1103, 1104, and 1106) are repealed.

(b) BASE ACRES AND PAYMENT ACRES.—Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended—

(1) in subsections (a)(1) and (e)(2), by striking ''and counter-cyclical payments'' each place it appears; and

(2) by adding at the end the following:

''(i) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the producers on a farm, with the consent of the owner of and any other producers on the farm, may reduce the base acres for a covered commodity for the farm if the reduced acres are used for the planting and production of fruits or vegetables for processing.

''(2) REVERSION TO BASE ACRES FOR COVERED COMMODITY.—Any reduced acres on a farm devoted to the planting and production of fruits or vegetables during a crop year under

paragraph (1) shall be included in base acres for the covered commodity for the subsequent crop year, unless the producers on the farm make the election described in paragraph (1) for the subsequent crop year.

''(3) RECALCULATION OF BASE ACRES.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary recalculates base acres for a farm, the planting and production of fruits or vegetables for processing under paragraph (1) shall be considered to be the same as the planting, prevented planting, or production of the covered commodity.

''(B) AUTHORITY.—Nothing in this subsection provides authority for the Secretary to recalculate base acres for a farm.''.

(c) PAYMENT YIELDS.—Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking ''and counter-cyclical payments'';

(2) in subsection (b), by striking ''2007'' and inserting ''2012'';

(3) in subsection (c), by striking '', but before'' and all that follows through ''subsection (e)''; and

(4) by striking subsection (e).

(d) RECOURSE LOAN PROGRAM.—Subtitle F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991 et seq.) is amended by adding at the end the following:

''SEC. 1619. RECOURSE LOAN PROGRAM.

''For each of the 2008 through 2012 crop years, the Secretary shall establish a recourse loan program for each loan commodity at a rate of interest to be determined by the Secretary.''.

(e) ADMINISTRATION.—

(1) SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 1602 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(2) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D(e) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended by striking ''2007'' and inserting ''2012''.

(f) AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.—Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended—

(1) by striking ''2007'' each place it appears (other than paragraphs (3)(B) and (4)(B) of subsection (f)) and inserting ''2008''; and

(2) in subsection (f)—

(A) in paragraph (3)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' and inserting ''each of the 2007 and 2008 crop years''; and

(B) in paragraph (4)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' each place it appears and inserting ''each of the 2007 and 2008 crop years''.

(g) AVAILABILITY OF DIRECT PAYMENTS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended—

(1) in subsection (a), by striking ''For each of the 2002 through 2007'' and inserting ''For each of the 2008 through 2012''; and

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

''(4)(A) In each of crop years 2008 and 2009, 25 percent.

''(B) In each of crop years 2010 and 2011, 20 percent.

''(C) In crop year 2012, 0 percent.''.

Subtitle B—Risk Management Accounts

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) ADJUSTED GROSS REVENUE.—The term ''adjusted gross revenue'', with respect to a farm of an operator or producer, means the adjusted gross income of the farm, as determined by the Secretary, from the sale or transfer of eligible commodities of the farm, as calculated—

(A) taking into consideration the gross receipts (including insurance indemnities) from each sale;

(B) including all farm payments received by the operator or producer from any Federal, State, or local government agency relating to the eligible commodities;

(C) by deducting the cost or basis of any eligible livestock or other item purchased for resale, such as feeder livestock, by the farm;

(D) excluding any revenue that does not arise from the sale of eligible commodities of the farm, such as revenue associated with the packaging, merchandising, marketing, or reprocessing beyond what is typically carried out by a producer of the eligible commodity, as determined by the Secretary; and

(E) using such adjustments, additions, and additional documentation as the Secretary determines to be appropriate, as presented on—

(i) a schedule F form of the Federal income tax returns of the operator or producer; or

(ii) a comparable tax form relating to the farm, as approved by the Secretary.

(2) APPLICABLE YEAR.—The term ''applicable year'' means a fiscal year covered by a risk management account contract.

(3) AVERAGE ADJUSTED GROSS REVENUE.—The term ''average adjusted gross revenue'' means—

(A) the rolling average of the adjusted gross revenue of an operator or producer for each of the 5 preceding taxable years; or

(B) in the case of a beginning farmer or rancher, or another agricultural operation that does not have adjusted gross revenue for each of the 5 preceding taxable years, the estimated income of the operation for the applicable year, as determined by the Secretary.

(4) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means any annual or perennial crop raised or produced by an operator or producer.

(5) FARM.—

(A) IN GENERAL.—The term ''farm'' means any parcel of land used for the raising or production of an eligible commodity that is considered to be a separate operation, as determined by the Secretary.

(B) INCLUSIONS.—The term ''farm'' includes—

(i) any parcel of land and related agricultural production facilities on which an operator or producer has more than de minimis operational control; and

(ii) any parcel of land subject to more than de minimis common ownership, as determined by the Secretary, unless the common owners of the parcel—

(I) except with respect to a conservation condition established in an applicable rental agreement, do not have operational control regarding any portion of the parcel; and

(II) do not share in the proceeds of the parcel, other than cash rent.

(C) EXCLUSION.—The term ''farm'' does not include a parcel that is not a portion of a farm subject to a risk management account contract.

(D) APPLICABILITY OF CFR.—Except as otherwise provided in this subtitle or by the Secretary, by regulation, part 718 of title 7, Code of Federal Regulations (or successor regulations), shall apply to the definition, constitution, and reconstitution of a farm for purposes of this paragraph.

(6) OPERATOR.—The term ''operator'' means a producer who controls an agricultural operation on a farm, as determined by the Secretary.

(7) PRODUCER.—The term ''producer'' means a person that, as determined by the Secretary, for an applicable year—

(A) shares in the risk of producing, or provides a material contribution in producing, an eligible commodity;

(B) has a substantial beneficial interest in the farm on which the eligible commodity is produced;

(C)(i) for each of the 5 preceding taxable years, has filed—

(I) a schedule F form of the Federal income tax return relating to the eligible commodity; or

(II) a comparable tax form related to the eligible commodity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher, or another producer that does not have adjusted gross revenue for each of the 5 preceding taxable years, as determined by the Secretary; and

(D)(i) during the 5 preceding taxable years, has earned at least $10,000 in average adjusted gross revenue;

(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

(iii) in the case of a beginning farmer or rancher, or another producer that does not have adjusted gross revenue for each of the 5 preceding taxable years, has at least $10,000 in estimated income from all farms for the applicable year, as determined by the Secretary.

(8) RISK MANAGEMENT ACCOUNT.—The term ''risk management account'' means a farm income stabilization assistance account maintained at a qualified financial institution in accordance with such terms as the Secretary may establish.

SEC. 1102. RISK MANAGEMENT ACCOUNT CONTRACTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program under which the Secretary shall offer to enter into contracts with eligible operators and producers in accordance with this section—

(1) to provide to the operators and producers a reserve to assist in the stabilization of farm income during low-revenue years;

(2) to assist operators and producers to invest in value-added farms; and

(3) to recognize high levels of environmental stewardship.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Any operator that has participated in a commodity program under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), and that otherwise meets each eligibility requirement under this subtitle, shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(2) OTHER PRODUCERS.—A producer that is not an operator described in paragraph (1) shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(3) LIMITATIONS.—

(A) IN GENERAL.—No farm or portion of a farm shall be subject to more than 1 risk management account contract during any fiscal year.

(B) MULTIPLE RISK MANAGEMENT ACCOUNT CONTRACTS.—

(i) IN GENERAL.—Except as provided in clause (ii), no operator or producer shall participate or have a beneficial interest in more than 1 risk management account contract during any fiscal year.

(ii) EXCEPTION.—Notwithstanding clause (i), an operator that is eligible to receive a transition payment during a fiscal year, and that participates or has a beneficial interest

in a risk management account contract during that fiscal year, may enter into an additional risk management account contract during the fiscal year if—

(I) the additional risk management account contract is entered into solely for the purpose of receiving the transition payment; and

(II) the operator is not otherwise eligible to participate or have a beneficial interest in the additional risk management account contract.

(c) RISK MANAGEMENT ACCOUNTS.—

(1) IN GENERAL.—Each risk management account contract entered into under this section shall establish, in the name of the farm of the operator or producer, as applicable, in an appropriate financial institution and subject to such investment rules and other procedures as the Secretary, on approval of the Secretary of the Treasury, determines to be necessary to provide reasonable assurance of the viability and stability of the account, a risk management account, to consist of—

(A) such amounts as are transferred to the risk management account by the Secretary during an applicable year in accordance with paragraph (2) (including the amendments made by that paragraph); and

(B) such amounts as are voluntarily contributed by the operator or producer during the applicable year in accordance with paragraph (6).

(2) TRANSFERS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by adding at the end the following:

''(e) RISK MANAGEMENT ACCOUNTS.—Of the total amount of direct payments made to producers, payments in excess of $10,000 for a crop year shall be deposited into risk management accounts established under section 1102 of the Food and Energy Security Act of 2007.''.

(3) OPERATOR AND PRODUCER CONTRIBUTIONS.—During any applicable year, an operator or producer may voluntarily contribute to the risk management account of the operator or producer.

(4) WITHDRAWALS.—

(A) IN GENERAL.—An operator or producer may withdraw amounts in the risk management account of the operator or producer only—

(i) for an applicable year during which the adjusted gross revenue of the operator or producer is equal to less than 95 percent of the average adjusted gross revenue of the operator or producer, in an amount that is equal to the lesser of—

(I) the difference between—

(aa) the average adjusted gross revenue of the operator or producer; and

(bb) the adjusted gross revenue of the operator or producer; and

(II) the amount of coverage that could be purchased under an adjusted gross revenue product available to the operator or producer through the Federal crop insurance program;

(ii) for investment in a value-added agricultural operation that contributes to the agricultural economy, as determined by the Secretary, and is not farmland or equipment used to produce raw agricultural products, an amount equal to the product obtained by multiplying—

(I) the total amount in the risk management account of the operator or producer on September 30 of the preceding applicable year; and

(II) 10 percent;

(iii) as the Secretary determines to be necessary to protect the solvency of a farm of the operator or producer; or

(iv) to purchase revenue insurance or crop insurance.

(B) TRANSFER TO IRA ACCOUNT.—In any calendar year, an individual operator or producer aged 65 years or older who is the holder of a risk management account in existence for at least 5 years may elect to rollover not more than 15 percent of the balance of the risk management account into an individual retirement account pursuant to section 408 of the Internal Revenue Code of 1986.

(5) LIMITATIONS.—

(A) ATTRIBUTION REQUIREMENT.—The Secretary shall ensure that each payment transferred to a risk management account under this subsection is attributed to an individual operator or producer that is a party to the applicable risk management account contract.

(B) NO INDIVIDUAL BENEFIT.—

(i) IN GENERAL.—The Secretary shall ensure that no individual operator or producer receives a direct benefit from more than 1 risk management account.

(ii) PROPORTIONAL REDUCTION.—The Secretary shall reduce the amount of a standard payment under this subsection in an amount equal to the proportion that—

(I) the amount of each direct or indirect benefit received by the applicable individual operator or producer under the applicable risk management account contract; bears to

(II) the amount of any direct or indirect benefit received by the individual operator or producer under any other risk management account contract under which a standard payment is transferred to a risk management account.

(6) CONSERVATION COMPLIANCE.—Each operator, and each holder of a beneficial interest in a farm subject to a risk management account contract, shall comply with—

(A) applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(B) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(7) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subsection.

SEC. 1103. TREATMENT OF RISK MANAGEMENT ACCOUNT ACCOUNTS ON TRANSFER.

(a) IN GENERAL.—In transferring, by sale or other means, any interest in a farm subject to a risk management account, an operator or producer may elect—

(1) to transfer the risk management account to another farm in which the operator or producer—

(A) has a controlling ownership interest; or

(B) not later than 2 years after the date of the transfer, will acquire a controlling ownership interest;

(2) to transfer the risk management account to the purchaser of the interest in the farm, if the purchaser is not already a holder of a risk management account; or

(3)(A) if the operator or producer is an individual, to rollover amounts in the risk management account into an individual retirement account of the operator or producer pursuant to section 408 of the Internal Revenue Code of 1986; or

(B) if the operator or producer is not an individual, to transfer amounts in the risk management account into an account of any individual who has a substantial beneficial interest in the farm (including a substantial beneficiary of a trust that holds at least a 50 percent ownership interest in the farm).

(b) TRANSFER OR ACQUISITION OF LAND OR PORTION OF OPERATION.—The Secretary shall promulgate such regulations as the Secretary determines to be appropriate to require reformulation, reaffirmation, or abandonment of a risk management account contract—

(1) on transfer of all or part of a farm under this section; or

(2) on any other major change to the farm, as determined by the Secretary.

SEC. 1104. ADMINISTRATION OF RISK MANAGEMENT ACCOUNTS.

(a) IMPLEMENTATION.—The Secretary shall carry out this subtitle through the Farm Service Agency.

(b) COMPLIANCE.—The Secretary shall conduct random audits of operators and producers subject to risk management account contracts under this subtitle as the Secretary determines to be necessary to ensure compliance with the risk management account contracts.

(c) VIOLATIONS.—If the Secretary determines that an operator or producer is in violation of the terms of an applicable risk management account contract—

(1) the operator or producer shall refund to the Secretary an amount equal to the amount transferred by the Secretary under section 1103(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(e)) to the affected risk management account during the applicable year in which the violation occurred; and

(2) for a serious or deliberate violation, as determined by the Secretary—

(A) the risk management account contract shall be terminated; and

(B) amounts remaining in each applicable risk management account as the result of a transfer by the Secretary under section 1103(e) of that Act shall be refunded to the Secretary.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

(e) ADJUSTED GROSS INCOME LIMITATION.—The adjusted gross income limitation under section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply to participation in the farm income stabilization assistance program under this subtitle.

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

Subtitle C—Sugar

SEC. 1201. SUGAR PROGRAM.

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended to read as follows:

''SEC. 156. SUGAR PROGRAM.

''(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to—

''(1) 18.00 cents per pound for raw cane sugar for the 2008 crop year;

''(2) 18.25 cents per pound for raw cane sugar for the 2009 crop year;

''(3) 18.50 cents per pound for raw cane sugar for the 2010 crop year;

''(4) 18.75 cents per pound for raw cane sugar for the 2011 crop year; and

''(5) 19.00 cents per pound for raw cane sugar for the 2012 crop year.

''(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate per pound for refined beet sugar that is equal to 128.5 percent of the loan rate per pound of raw cane sugar for the applicable crop year under subsection (a).

''(c) TERM OF LOANS.—

''(1) IN GENERAL.—A loan under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

''(A) the end of the 9-month period beginning on the first day of the first month after the month in which the loan is made; or

''(B) the end of the fiscal year in which the loan is made.

''(2) SUPPLEMENTAL LOANS.—In the case of a loan made under this section in the last 3

months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

''(A) be made at the loan rate in effect at the time the second loan is made; and

''(B) mature in 9 months less the quantity of time that the first loan was in effect.

''(d) LOAN TYPE; PROCESSOR ASSURANCES.—

''(1) NONRECOURSE LOANS.—The Secretary shall carry out this section through the use of nonrecourse loans.

''(2) PROCESSOR ASSURANCES.—

''(A) IN GENERAL.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for the sugar beets and sugarcane delivered by producers to the processor.

''(B) MINIMUM PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish appropriate minimum payments for purposes of this paragraph.

''(ii) LIMITATION.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet producer and a sugar beet processor.

''(3) ADMINISTRATION.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not otherwise in effect on the date of enactment of the Food and Energy Security Act of 2007, that has the effect of preventing a processor from electing to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

''(e) LOANS FOR IN-PROCESS SUGAR.—

''(1) DEFINITION OF IN-PROCESS SUGARS AND SYRUPS.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

''(2) AVAILABILITY.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from the crop.

''(3) LOAN RATE.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

''(4) FURTHER PROCESSING ON FORFEITURE.—

''(A) IN GENERAL.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

''(B) TRANSFER TO CORPORATION.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

''(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

''(i) the difference between—

''(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

''(II) the loan rate the processor received under paragraph (3); by

''(ii) the quantity of sugar transferred to the Secretary.

''(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.

''(6) TERM OF LOAN.—The term of a loan made under this subsection for a quantity of in-process sugars and syrups, when combined with the term of a loan made with respect to the raw cane sugar or refined beet sugar derived from the in-process sugars and syrups, may not exceed 9 months, consistent with subsection (d).

''(f) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—

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

''(A) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

''(B) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this subsection.

''(C) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible—

''(i) to be marketed in the United States for human consumption; or

''(ii) to be used for the extraction of sugar for human consumption.

''(D) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

''(2) FEEDSTOCK FLEXIBILITY PROGRAM.—

''(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 this section is operated at no cost to the Federal Government and avoids 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 the 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 for a fiscal year for which the purchases and sales are necessary to ensure that the program under this section is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(3) NOTICE.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of the Food and Energy Security Act of 2007, and each September 1 thereafter through fiscal year 2012, 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 subsection.

''(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 the reestimates.

''(4) 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 under this section), the Secretary shall sell the eligible commodity to bioenergy producers under this subsection.

''(5) 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 the eligible commodities not later than 30 calendar days after the date of the purchase from the Commodity Credit Corporation.

''(B) PAYMENT OF STORAGE FEES PROHIBITED.—

''(i) IN GENERAL.—The Secretary shall, to the maximum 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 under this section).

''(C) OPTION TO PREVENT STORAGE FEES.—

''(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to the bioenergy producers prior in time to entering into contracts with eligible entities to purchase the eligible 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 the eligible commodities not later than 30 calendar days after the date on which the Commodity Credit Corporation purchases the eligible commodities.

''(6) 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 subsection, the sugar shall be considered marketed and shall count against the allocation of a processor of an allotment under that part, as applicable.

''(7) 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 subsection.

''(g) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

''(1) IN GENERAL.—Subject to subsection (d)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

''(2) INVENTORY DISPOSITION.—

''(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

''(B) BIOENERGY FEEDSTOCK.—Sugar beets or sugarcane planted on acreage diverted from production to achieve any reduction required under subparagraph (A) may not be

used for any commercial purpose other than as a bioenergy feedstock.

''(C) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.

''(h) INFORMATION REPORTING.—

''(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

''(2) DUTY OF PRODUCERS TO REPORT.—

''(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

''(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by subparagraph (A) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

''(3) DUTY OF IMPORTERS TO REPORT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

''(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties.

''(4) INFORMATION ON MEXICO.—

''(A) COLLECTION.—The Secretary shall collect—

''(i) information of the production, consumption, stocks, and trade of sugar in Mexico, including United States exports of sugar to Mexico; and

''(ii) publicly-available information on Mexican production, consumption, and trade of high fructose corn syrups to Mexico.

''(B) PUBLICATION.—The date collected under subparagraph (A) shall be published in each edition of the World Agricultural Supply and Demand Estimates.

''(5) PENALTY.—Any person willfully failing or refusing to furnish the information required under paragraph (1), (2), or (3), or furnishing willfully any false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

''(6) MONTHLY REPORTS.—Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

''(i) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

''(j) EFFECTIVE PERIOD.—

''(1) IN GENERAL.—This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane.

''(2) TRANSITION.—The Secretary shall make loans for raw cane sugar and refined beet sugar available for the 2007 crop year on the terms and conditions provided in this section as in effect on the day before the date of enactment of the Food and Energy Security Act of 2007.''.

SEC. 1202. STORAGE FACILITY LOANS.

Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971(c)) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3);

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

''(2) not include any penalty for prepayment''; and

(4) in paragraph (3) (as redesignated by paragraph (2)), by inserting ''other'' after ''on such''.

SEC. 1203. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

Subtitle E of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

''SEC. 167. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

''(a) INITIAL CROP YEARS.—Notwithstanding any other provision of law, for each of the 2008 through 2011 crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in an amount that is not less than—

''(1) in the case of refined sugar, 15 cents per hundredweight of refined sugar per month; and

''(2) in the case of raw cane sugar, 10 cents per hundredweight of raw cane sugar per month.

''(b) SUBSEQUENT CROP YEARS.—For each of the 2012 and subsequent crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in the same manner as was used on the day before the date of enactment of this section.''.

SEC. 1204. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) DEFINITIONS.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

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

''(2) MARKET.—

''(A) IN GENERAL.—The term 'market' means to sell or otherwise dispose of in commerce in the United States.

''(B) INCLUSIONS.—The term 'market' includes—

''(i) the forfeiture of sugar under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272); and

''(ii) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process.

''(C) MARKETING YEAR.—Forfeited sugar described in subparagraph (B)(i) shall be considered to have been marketed during the crop year for which a loan is made under the loan program described in that subparagraph.''.

(b) FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended to read as follows:

''SEC. 359. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

''(a) IN GENERAL.—

''(1) IN GENERAL.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane, sugar beets, or in-process sugar (whether produced domestically or imported) at a level that is—

''(A) sufficient to maintain raw and refined sugar prices at a level that will result in no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272); but

''(B) not less than 85 percent of the estimated quantity of sugar consumption for domestic food use for the crop year.

''(2) PRODUCTS.—The Secretary may include sugar products, the majority content of which is sucrose for human consumption, derived from sugarcane, sugar beets, molasses, or sugar in the allotments under paragraph (1) if the Secretary determines it to be appropriate for purposes of this part.

''(b) COVERAGE OF ALLOTMENTS.—

''(1) IN GENERAL.—Marketing allotments under this part shall apply to the marketing by processors of sugar intended for domestic human food use that has been processed from sugar cane, sugar beets, or in-process sugar, whether produced domestically or imported.

''(2) EXCEPTIONS.—Marketing allotments under this part shall not apply to sugar sold—

''(A) to facilitate the exportation of the sugar to a foreign country;

''(B) to enable another processor to fulfill an allocation established for that processor; or

''(C) for uses other than domestic human food use.

''(3) REQUIREMENT.—The sale of sugar described in paragraph (2)(B) shall be—

''(A) made prior to May 1; and

''(B) reported to the Secretary.

''(c) PROHIBITIONS.—

''(1) IN GENERAL.—During all or part of any crop year for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human food use a quantity of sugar in excess of the allocation established for the processor, except—

''(A) to enable another processor to fulfill an allocation established for that other processor; or

''(B) to facilitate the exportation of the sugar.

''(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.''.

(c) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) OVERALL ALLOTMENT QUANTITY.—

''(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (referred to in this part as the 'overall allotment quantity') at a level that is—

''(A) sufficient to maintain raw and refined sugar prices above the level that will result in no forfeiture of sugar to the Commodity Credit Corporation; but

''(B) not less than a quantity equal to 85 percent of the estimated sugar consumption for domestic food use for the crop year.

''(2) ADJUSTMENT.—Subject to paragraph (1), the Secretary shall adjust the overall allotment quantity to maintain—

''(A) raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

''(B) adequate supplies of raw and refined sugar in the domestic market.''; and

(2) by striking subsection (h).

(d) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraph (C)'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively;

(D) in subparagraph (D) (as so redesignated)—

(i) in clause (i), by striking ''subparagraphs (B) and (D)'' and inserting ''subparagraphs (B) and (C)''; and

(ii) in clause (iii)(II), by striking ''subparagraph (B) or (D)'' as ''subparagraph (B) or (C)''; and

(E) in subparagraph (E) (as so redesignated), by striking ''Except as otherwise provided in section 359f(c)(8), if'' and inserting ''If''; and

(2) in paragraph (2), by striking subparagraphs (H) and (I) and inserting the following:

''(H) NEW ENTRANTS STARTING PRODUCTION OR REOPENING FACTORIES.—

''(i) DEFINITION OF NEW ENTRANT.—

''(I) IN GENERAL.—In this subparagraph, the term 'new entrant' means an individual, corporation, or other entity that—

''(aa) does not have an allocation of the beet sugar allotment under this part;

''(bb) is not affiliated with any other individual, corporation, or entity that has an allocation of beet sugar under this part (referred to in this clause as a 'third party'); and

''(cc) will process sugar beets produced by sugar beet growers under contract with the new entrant for the production of sugar at the new or re-opened factory that is the basis for the new entrant allocation.

''(II) AFFILIATION.—For purposes of subclause (I)(bb), a new entrant and a third party shall be considered to be affiliated if—

''(aa) the third party has an ownership interest in the new entrant;

''(bb) the new entrant and the third party have owners in common;

''(cc) the third party has the ability to exercise control over the new entrant by organizational rights, contractual rights, or any other means;

''(dd) the third party has a contractual relationship with the new entrant by which the new entrant will make use of the facilities or assets of the third party; or

''(ee) there are any other similar circumstances by which the Secretary determines that the new entrant and the third party are affiliated.

''(ii) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS NOT OPERATED SINCE BEFORE 1998.—If a new entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that last processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

''(I) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar so as to enable the new entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly-situated processors; and

''(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the allocation to the new entrant.

''(iii) ALLOCATION FOR A NEW ENTRANT THAT HAS ACQUIRED AN EXISTING FACTORY WITH A PRODUCTION HISTORY.—

''(I) IN GENERAL.—If a new entrant acquires an existing factory that has processed sugar beets from the 1998 or subsequent crop year and has a production history, on the mutual agreement of the new entrant and the company currently holding the allocation associated with the factory, the Secretary shall transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the historical contribution of the production of the acquired factory to the total allocation of the current allocation holder.

''(II) PROHIBITION.—In the absence of a mutual agreement described in subclause (I), the new entrant shall be ineligible for a beet sugar allocation.

''(iv) APPEALS.—Any decision made under this subsection may be appealed to the Secretary in accordance with section 359i.''.

(e) REASSIGNMENT OF DEFICITS.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended in paragraphs (1)(D) and (2)(C), by inserting ''of raw cane sugar'' after ''imports'' each place it appears.

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by inserting before paragraph (2) (as so redesignated) the following:

''(1) DEFINITION OF SEED.—

''(A) IN GENERAL.—In this subsection, the term 'seed' means only those varieties of seed that are dedicated to the production of sugarcane from which is produced sugar for human consumption.

''(B) EXCLUSION.—The term 'seed' does not include seed of a high-fiber cane variety dedicated to other uses, as determined by the Secretary'';

(4) in paragraph (3) (as so redesignated)—

(A) in the first sentence—

(i) by striking ''paragraph (1)'' and inserting ''paragraph (2)''; and

(ii) by inserting ''sugar produced from'' after ''quantity of''; and

(B) in the second sentence, by striking ''paragraph (7)'' and inserting ''paragraph (8)''; and

(5) in paragraph (8) (as so redesignated), by inserting ''sugar from'' after ''the amount of''.

(g) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRANSFER OF ACREAGE BASE HISTORY.—

''(1) IN GENERAL.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f(c), the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

''(2) CONVERTED ACREAGE BASE.—

''(A) IN GENERAL.—Sugarcane base acreage established under section 359f(c) that has been or is converted to nonagricultural use on or after the date of the enactment of this paragraph may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share in accordance with this paragraph.

''(B) NOTIFICATION.—Not later than 90 days after the date of the enactment of this paragraph and at the subsequent conversion of any sugarcane base acreage to a nonagricultural use, the Administrator of the Farm Service Agency shall notify the 1 or more affected landowners of the transferability of the applicable sugarcane base acreage.

''(C) INITIAL TRANSFER PERIOD.—Not later than the end of the 90-day period beginning on the date of receipt of the notification under subparagraph (B), the owner of the base attributable to the acreage at the time of the conversion shall transfer the base to 1 or more farms owned by the owner.

''(D) GROWER OF RECORD.—If a transfer under subparagraph (C) cannot be accomplished during the period specified in that subparagraph, the grower of record with regard to the base acreage on the date on which the acreage was converted to nonagricultural use shall—

''(i) be notified; and

''(ii) have 90 days from the date of the receipt of the notification to transfer the base to 1 or more farms operated by the grower.

''(E) POOL DISTRIBUTION.—

''(i) IN GENERAL.—If transfers under subparagraphs (B) and (C) cannot be accomplished during the periods specified in those subparagraphs, the county committee of the Farm Service Agency for the applicable county shall place the acreage base in a pool for possible assignment to other farms.

''(ii) ACCEPTANCE OF REQUESTS.—After providing reasonable notice to farm owners, operators, and growers of record in the county, the county committee shall accept requests from owners, operators, and growers of record in the county.

''(iii) ASSIGNMENT.—The county committee shall assign the base acreage to other farms in the county that are eligible and capable of accepting the base acreage, based on a random selection from among the requests received under clause (ii).

''(F) STATEWIDE REALLOCATION.—

''(i) IN GENERAL.—Any base acreage remaining unassigned after the transfers and processes described in subparagraphs (A) through (E) shall be made available to the State committee of the Farm Service Agency for allocation among the remaining county committees representing counties with farms eligible for assignment of the base, based on a random selection.

''(ii) ALLOCATION.—Any county committee receiving base acreage under this subparagraph shall allocate the base acreage to eligible farms using the process described in subparagraph (E).

''(G) STATUS OF REASSIGNED BASE.—After base acreage has been reassigned in accordance with this subparagraph, the base acreage shall—

''(i) remain on the farm; and

''(ii) be subject to the transfer provisions of paragraph (1).''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''affected'' before ''crop-share owners'' each place it appears; and

(ii) by striking '', and from the processing company holding the applicable allocation for such shares,''; and

(B) in paragraph (2), by striking ''based on'' and all that follows through the end of subparagraph (B) and inserting ''based on—

''(A) the number of acres of sugarcane base being transferred; and

''(B) the pro rata amount of allocation at the processing company holding the applicable allocation that equals the contribution of the grower to allocation of the processing company for the sugarcane base acreage being transferred.''.

(h) APPEALS.—Section 359i of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii) is amended—

(1) in subsection (a), by inserting ''or 359g(d)'' after ''359f''; and

(2) by striking subsection (c).

(i) REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is repealed.

(j) ADMINISTRATION OF TARIFF RATE QUOTAS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (i)) is amended by adding at the end the following:

''SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars (other than specialty sugar) at the minimum necessary to comply with obligations under international trade agreements that have been approved by Congress.

''(b) ADJUSTMENT.—

''(1) BEFORE APRIL 1.—Before April 1 of each fiscal year, if there is an emergency shortage of sugar in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary—

''(A) the Secretary shall take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b); and

''(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(2) ON OR AFTER APRIL 1.—On or after April 1 of each fiscal year—

''(A) the Secretary may take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b); and

''(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).''.

(k) PERIOD OF EFFECTIVENESS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (j)) is amended by adding at the end the following:

''SEC. 359l. PERIOD OF EFFECTIVENESS.

''(a) IN GENERAL.—This part shall be effective only for the 2008 through 2012 crop years for sugar.

''(b) TRANSITION.—The Secretary shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in this part as in effect on the day before the date of enactment of this section.''.

(l) UNITED STATES MEMBERSHIP IN THE INTERNATIONAL SUGAR ORGANIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall work with the Secretary of State to restore, to the maximum extent practicable, United States membership in the International Sugar Organization.

SEC. 1205. SENSE OF THE SENATE REGARDING NAFTA SUGAR COORDINATION.

It is the sense of the Senate that in order to improve the operations of the North American Free Trade Agreement—

(1) the United States Government and the Government of Mexico should coordinate the operation of their respective sugar policies; and

(2) the United States Government should consult with the Government of Mexico on policies to avoid disruptions of the United States sugar market and the Mexican sugar market in order to maximize the benefits of sugar policies for growers, processors, and consumers of sugar in the United States and Mexico.

Subtitle D—Dairy

SEC. 1301. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, and ending on December 31, 2012, the Secretary shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

(b) PURCHASE PRICE.—To carry out subsection (a), the Secretary shall purchase cheddar cheese, butter, and nonfat dry milk at prices that are equivalent to—

(1) in the case of cheddar cheese—

(A) in blocks, not less than $1.13 per pound;

(B) in barrels, not less than $1.10 per pound;

(2) in the case of butter, not less than $1.05 per pound; and

(3) in the case of nonfat dry milk, not less than $0.80 per pound.

(c) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk under this section shall be uniform for all regions of the United States.

(d) SALES FROM INVENTORIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each commodity specified in subsection (b) that is available for unrestricted use in inventories of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale.

(2) MINIMUM AMOUNT.—The sale price described in paragraph (1) may not be less than 110 percent of the minimum purchase price specified in subsection (b) for that commodity.

SEC. 1302. NATIONAL DAIRY MARKET LOSS PAYMENTS.

(a) DEFINITIONS.—In this section:

(1) CLASS I MILK.—The term ''Class I milk'' means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

(2) ELIGIBLE PRODUCTION.—The term ''eligible production'' means milk produced by a producer in a participating State.

(3) FEDERAL MILK MARKETING ORDER.—The term ''Federal milk marketing order'' means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(4) PARTICIPATING STATE.—The term ''participating State'' means each State.

(5) PRODUCER.—The term ''producer'' means an individual or entity that directly or indirectly (as determined by the Secretary)—

(A) shares in the risk of producing milk; and

(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

(b) PAYMENTS.—The Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production.

(c) AMOUNT.—Payments to a producer under this section shall be calculated by multiplying (as determined by the Secretary)—

(1) the payment quantity for the producer during the applicable month established under subsection (d);

(2) the amount equal to—

(A) $16.94 per hundredweight; less

(B) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

(3)(A) for the period beginning October 1, 2007, and ending September 30, 2008, 34 percent;

(B) for the period beginning October 1, 2008, and ending August 31, 2012, 45 percent; and

(C) for the period beginning September 1, 2012, and thereafter, 34 percent.

(d) PAYMENT QUANTITY.—

(1) IN GENERAL.—Subject to paragraph (2), the payment quantity for a producer during the applicable month under this section shall be equal to the quantity of eligible production marketed by the producer during the month.

(2) LIMITATION.—

(A) IN GENERAL.—The payment quantity for all producers on a single dairy operation for which the producers receive payments under subsection (b) shall not exceed—

(i) for the period beginning October 1, 2007, and ending September 30, 2008, 2,400,000 pounds;

(ii) for the period beginning October 1, 2008, and ending August 31, 2012, 4,150,000 pounds; and

(iii) effective beginning September 1, 2012, 2,400,000 pounds.

(B) STANDARDS.—For purposes of determining whether producers are producers on separate dairy operations or a single dairy operation, the Secretary shall apply the same standards as were applied in implementing the dairy program under section 805 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–50).

(3) RECONSTITUTION.—The Secretary shall ensure that a producer does not reconstitute a dairy operation for the sole purpose of receiving additional payments under this section.

(e) PAYMENTS.—A payment under a contract under this section shall be made on a monthly basis not later than 60 days after the last day of the month for which the payment is made.

(f) SIGNUP.—The Secretary shall offer to enter into contracts under this section during the period beginning on the date that is 90 days after the date of enactment of this Act and ending on September 30, 2012.

(g) DURATION OF CONTRACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), any contract entered into by producers on a dairy farm under this section shall cover eligible production marketed by the producers on the dairy farm during the period starting with the first day of month the producers on the dairy farm enter into the contract and ending on September 30, 2012.

(2) VIOLATIONS.—If a producer violates the contract, the Secretary may—

(A) terminate the contract and allow the producer to retain any payments received under the contract; or

(B) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.

SEC. 1303. DAIRY EXPORT INCENTIVE AND DAIRY INDEMNITY PROGRAMS.

(a) DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking ''2007'' and inserting ''2012''.

(b) DAIRY INDEMNITY PROGRAM.—Section 3 of Public Law 90–484 (7 U.S.C. 450*l*) is amended by striking ''2007'' and inserting ''2012''.

SEC. 1304. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 1305. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking subsection (17) and inserting the following:

''(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

''(A) APPLICABILITY TO AMENDMENTS.—The provisions of this section and section 8d applicable to orders shall be applicable to amendments to orders.

''(B) SUPPLEMENTAL RULES OF PRACTICE.—

''(i) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall issue, using informal rulemaking, supplemental rules of practice to define guidelines and timeframes for the rulemaking process relating to amendments to orders.

''(ii) ISSUES.—At a minimum, the supplemental rules of practice shall establish—

''(I) proposal submission requirements;

''(II) pre-hearing information session specifications;

''(III) written testimony and data request requirements;

''(IV) public participation timeframes; and

''(V) electronic document submission standards.

''(iii) EFFECTIVE DATE.—The supplemental rules of practice shall take effect not later than 120 days after the date of enactment of this subparagraph, as determined by the Secretary.

''(C) HEARING TIMEFRAMES.—

''(i) IN GENERAL.—Not more than 30 days after the receipt of a proposal for an amendment hearing regarding a milk marketing order, the Secretary shall—

''(I) issue a notice providing an action plan and expected timeframes for completion of the hearing not more than 180 days after the date of the issuance of the notice;

''(II)(aa) issue a request for additional information to be used by the Secretary in making a determination regarding the proposal; and

''(bb) if the additional information is not provided to the Secretary within the timeframe requested by the Secretary, issue a denial of the request; or

''(III) issue a denial of the request.

''(ii) NOTICE.—A notice issued under clause (i)(I) shall be individualized for each proceeding and take into consideration—

''(I) the number of orders affected;

''(II) the complexity of issues involved; and

''(III) the extent of the analyses required by applicable Executive orders (including Executive orders relating to civil rights, regulatory flexibility, and economic impact).

''(iii) RECOMMENDED DECISIONS.—A recommended decision on a proposed amendment to an order shall be issued not later than 90 days after the deadline established after the hearing for the submission of post-hearing briefs, unless otherwise provided in the initial notice issued under clause (i)(I).

''(iv) FINAL DECISIONS.—A final decision on a proposed amendment to an order shall be issued not later than 60 days after the deadline for submission of comments and exceptions to the recommended decision issued under clause (ii), unless otherwise provided in the initial notice issued under clause (i)(I).

''(D) INDUSTRY ASSESSMENTS.—If the Secretary determines it is necessary to improve or expedite rulemaking under this subsection, the Secretary may impose an assessment on the affected industry to supplement appropriated funds for the procurement of service providers, such as court reporters.

''(E) USE OF INFORMAL RULEMAKING.—The Secretary may use rulemaking under section 553 of title 5, United States Code, to amend orders, other than provisions of orders that directly affecting milk prices.

''(F) MONTHLY FEED AND FUEL COSTS FOR MAKE ALLOWANCES.—As part of any hearing to adjust make allowances under marketing orders, the Secretary shall—

''(i) determine the average monthly prices of feed and fuel incurred by dairy producers in the relevant marketing area;

''(ii) consider the most recent monthly feed and fuel price data available; and

''(iii) consider those prices in determining whether or not to adjust make allowances.''.

SEC. 1306. DAIRY FORWARD PRICING PROGRAM.

(a) IN GENERAL.—Section 23 of the Agricultural Adjustment Act (7 U.S.C. 627), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in the section heading, by striking ''**PILOT**'';

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

''(a) PROGRAM REQUIRED.—The Secretary of Agriculture shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PILOT''; and

(B) in paragraph (1), by striking ''pilot'';

(4) by striking subsections (d) and (e); and

(5) by adding at the end the following:

''(d) VOLUNTARY PROGRAM.—

''(1) IN GENERAL.—A milk handler may not require participation in a forward price contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

''(2) EFFECT OF NONPARTICIPATION.—A producer or cooperative association that does not enter into a forward price contract may continue to have milk priced under the minimum payment provisions of the applicable milk marketing order.

''(3) COMPLAINTS.—The Secretary shall—

''(A) investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward price contracts; and

''(B) if the Secretary finds evidence of coercion, take appropriate action.

''(e) DURATION.—No forward price contract under this section may—

''(1) be entered into after September 30, 2012; or

''(2) may extend beyond September 30, 2015.''.

(b) CONFORMING AMENDMENTS.—Section 23 of the Agricultural Adjustment Act (7 U.S.C. 627), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking ''cooperatives'' each place it appears in subsections (b) and (c)(2) and inserting ''cooperative associations of producers''.

SEC. 1307. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of the procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of the enactment of this Act.

SEC. 1308. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) DEFINITION OF ASCARR INSTITUTION.—In this section:

(1) IN GENERAL.—The term ''ASCARR Institution'' means a public college or university offering a baccalaureate or higher degree in the study of agriculture.

(2) EXCLUSIONS.—The term ''ASCARR Institution'' does not include an institution eligible to receive funds under—

(A) the Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 et seq.);

(B) the Act of August 30, 1890 (commonly known as the ''Second Morrill Act'') (7 U.S.C. 321 et seq.); or

(C) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note).

(b) ESTABLISHMENT.—Subject to the availability of funds appropriated to carry out this section, the Secretary shall establish a commission to be known as the ''Federal Milk Marketing Order Review Commission'' (referred to in this section as the ''Commission''), which shall conduct a comprehensive review and evaluation of—

(1) the Federal milk marketing order system in effect on the date of enactment of this Act; and

(2) non-Federal milk marketing order systems.

(c) ELEMENTS OF REVIEW AND EVALUATION.—As part of the review and evaluation under subsection (b), the Commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) enhancing the competitiveness of United States dairy producers in world markets;

(3) increasing the responsiveness of the Federal milk marketing order system to market forces;

(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(5) simplifying the Federal milk marketing order system;

(6) evaluating whether the Federal milk marketing order system, established during the Great Depression, continues to serve the interests of the public, dairy processors, and dairy producers;

(7) evaluating whether Federal milk marketing orders are operating in a manner to minimize costs to taxpayers and consumers;

(8) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards;

(9) evaluating the economic benefits to milk producers of establishing a 2-class system of classifying milk consisting of a fluid milk class and a manufacturing grade milk class, with the price of both classes determined using the component prices of butterfat, protein, and other solids; and

(10) evaluating a change in advance pricing that is used to calculate the advance price of Class II skim milk under Federal milk marketing orders using the 4-week component prices that are used to calculate prices for Class III and Class IV milk.

(d) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall consist of 18 members.

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section—

(A) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of the Committee on Agriculture of the House of Representatives;

(B) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of the Committee on Agriculture, Nutrition and Forestry of the Senate; and

(C) 14 members of the Commission shall be appointed by the Secretary.

(3) SPECIAL APPOINTMENT REQUIREMENTS.—In the case of members of the Commission appointed under paragraph (2)(C), the Secretary shall ensure that—

(A) at least 1 member represents a national consumer organization;

(B) at least 4 members represent land-grant colleges or universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) or ASCARR institutions with accredited dairy economic programs, with at least 2 of those members being experts in the field of economics;

(C) at least 1 member represents the food and beverage retail sector; and

(D) 4 dairy producers and 4 dairy processors are appointed in a manner that will—

(i) balance geographical distribution of milk production and dairy processing;

(ii) reflect all segments of dairy processing; and

(iii) represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(4) CHAIR.—The Commission shall elect 1 of the members of the Commission to serve as chairperson for the duration of the proceedings of the Commission.

(5) VACANCY.—Any vacancy occurring before the termination of the Commission shall be filled in the same manner as the original appointment.

(6) COMPENSATION.—A member of the Commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the Commission.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the first meeting of the Commission, the Commission shall submit to Congress and the Secretary a report describing the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (c) as the Commission considers to be appropriate.

(2) SUPPORT.—The report findings shall reflect, to the maximum extent practicable, a consensus opinion of the Commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

(f) ADVISORY NATURE.—The Commission is wholly advisory in nature and the recommendations of the Commission are nonbinding.

(g) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the Commission to impede, delay, or otherwise affect any decisionmaking process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

(h) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide such administrative support to the Commission, and expend such funds as necessary from budget authority available to the Secretary, as is necessary to carry out this section.

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

(j) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates effective on the date of the submission of the report under subsection (e).

SEC. 1309. MANDATORY REPORTING OF DAIRY COMMODITIES.

Section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended—

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

''(a) DAILY REPORTING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall require corporate officers or officially-designated representatives of each dairy processor to report to the Secretary on each daily reporting day designated by the Secretary, not later than 10:00 a.m. Central Time, for each sales transaction involving a dairy commodity, information concerning—

''(A) the sales price;

''(B) the quantity sold;

''(C) the location of the sales transaction; and

''(D) product characteristics, including—

''(i) moisture level;

''(ii) packaging size;

''(iii) grade;

''(iv) if appropriate, fat, protein, or other component level;

''(v) heat level for dried products; and

''(vi) other defining product characteristics used in transactions.

''(2) PUBLICATION.—The Secretary shall make the information reported under paragraph (1) available to the public not less frequently than once each reporting day, categorized by location and product characteristics.

''(3) FEDERAL ORDER PRICES.—If the Secretary uses dairy product prices to establish minimum prices in accordance with section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall use daily prices published under paragraph (2) to determine such prices.

''(4) EXEMPTION FOR SMALL PROCESSORS.—A processor that processes 1,000,000 pounds of milk or less per year shall be exempt from daily reporting requirements under this subsection.''; and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

Subtitle E—Administration

SEC. 1401. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—Except as otherwise provided in subtitles A through D and this subtitle, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out subtitles A through D and this subtitle.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'');

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) the notice and comment provisions of section 553 of title 5, United States Code.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under subtitles A through D and this subtitle that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(e) TREATMENT OF ADVANCE PAYMENT OPTION.—Section 1601(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the advance payment of direct payments and counter-cyclical payments under title I of the Food and Energy Security Act of 2007.''.

SEC. 1402. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled ''A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended'', approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1403. PAYMENT LIMITATIONS.

(a) EXTENSION OF LIMITATIONS.—Sections 1001 and 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308, 1308-3(a)) are amended by striking ''Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''Food and Energy Security Act of 2007''.

(b) REVISION OF LIMITATIONS.—

(1) DEFINITIONS.—Section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) in the matter preceding paragraph (1), by inserting ''and section 1001A'' after ''section'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (5); and

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

''(2) FAMILY MEMBER.—The term 'family member' means an individual to whom a member in the farming operation is related as lineal ancestor, lineal descendant, sibling, or spouse.

''(3) LEGAL ENTITY.—The term 'legal entity' means an entity that is created under Federal or State law and that—

''(A) owns land or an agricultural commodity; or

''(B) produces an agricultural commodity.

''(4) PERSON.—The term 'person' means a natural person, and does not include a legal entity.''.

(2) LIMITATION ON DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b), (c) and (d) and inserting the following:

''(b) LIMITATION ON DIRECT AND COUNTER-CYCLICAL PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Farm Security and Rural Investment Act of 2002 for 1 or more covered commodities (except for peanuts) may not exceed $40,000.

''(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Farm Security and Rural Investment Act of 2002 for 1 or more covered commodities (except for peanuts) may not exceed $60,000.

''(c) LIMITATION ON DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle C of title I of the Farm Security and Rural Investment Act of 2002 for peanuts may not exceed $40,000.

''(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle C of title I of the Farm Security and Rural Investment Act of 2002 for peanuts, may not exceed $60,000.''.

''(d) LIMITATION ON APPLICABILITY.—Nothing in this section authorizes any limitation on any benefit associated with the marketing assistance loan program or the loan deficiency payment program under title I of the Farm Security and Rural Investment Act of 2002.''.

(3) DIRECT ATTRIBUTION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsection (e) and redesignating subsections (f) and (g) as (g) and (h), respectively, and inserting the following:

''(e) ATTRIBUTION OF PAYMENTS.—

''(1) IN GENERAL.—In implementing subsections (b) and (c) and a program described in section 1001D(b)(2)(C), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive the payments.

''(2) PAYMENTS TO A PERSON.—Each payment made directly to a person shall be combined with the pro rata interest of the person in payments received by a legal entity in which the person has a direct or indirect ownership interest unless the payments of the legal entity have been reduced by the pro rata share of the person.

''(3) PAYMENTS TO A LEGAL ENTITY.—

''(A) IN GENERAL.—Each payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity unless the payment to the legal entity has been reduced by the pro rata share of the person.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

''(ii) EXCEPTION FOR JOINT VENTURES AND GENERAL PARTNERSHIPS.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsections (b) and (c) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

''(iii) REDUCTION.—Payments made to a legal entity shall be reduced proportionately by an amount that represents the direct or indirect ownership in the legal entity by any individual or legal entity that has otherwise exceeded the applicable maximum payment limitation.

''(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED LEGAL ENTITIES.—

''(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through 4 levels of ownership in legal entities.

''(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier legal entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier legal entity by the person.

''(C) SECOND LEVEL.—

''(i) IN GENERAL.—Any payments made to a first-tier legal entity that is owned (in whole or in part) by another legal entity (a second-tier legal entity) shall be attributed to the second-tier legal entity in proportion to the ownership of the second-tier legal entity in the first-tier legal entity.

''(ii) OWNERSHIP BY A PERSON.—If the second-tier legal entity is owned (in whole or in part) by a person, the amount of the payment made to the first-tier legal entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier legal entity by the person.

''(D) THIRD AND FOURTH LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

''(ii) FOURTH-TIER OWNERSHIP.—If the fourth-tier of ownership is that of a fourth-tier legal entity and not that of a person, the Secretary shall reduce the amount of the payment to be made to the first-tier legal entity in the amount that represents the indirect ownership in the first-tier legal entity by the fourth-tier legal entity.

''(f) SPECIAL RULES.—

''(1) MINOR CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), payments received by a child under the age of 18 shall be attributed to the parents of the child.

''(B) REGULATIONS.—The Secretary shall issue regulations specifying the conditions under which payments received by a child under the age of 18 will not be attributed to the parents of the child.

''(2) MARKETING COOPERATIVES.—Subsections (b) and (c) shall not apply to a cooperative association of producers with respect to commodities produced by the members of the association that are marketed by the association on behalf of the members of the association but shall apply to the producers as persons.

''(3) TRUSTS AND ESTATES.—

''(A) IN GENERAL.—With respect to irrevocable trusts and estates, the Secretary shall administer this section through section 1001F in such manner as the Secretary determines will ensure the fair and equitable treatment of the beneficiaries of the trusts and estates.

''(B) IRREVOCABLE TRUST.—

''(i) IN GENERAL.—In order for a trust to be considered an irrevocable trust, the terms of the trust agreement shall not—

''(I) allow for modification or termination of the trust by the grantor;

''(II) allow for the grantor to have any future, contingent, or remainder interest in the corpus of the trust; or

''(III) except as provided in clause (ii), provide for the transfer of the corpus of the trust to the remainder beneficiary in less than 20 years beginning on the date the trust is established.

''(ii) EXCEPTION.—Clause (i)(III) shall not apply in a case in which the transfer is—

''(I) contingent on the remainder beneficiary achieving at least the age of majority; or

''(II) is contingent on the death of the grantor or income beneficiary.

''(C) REVOCABLE TRUST.—For the purposes of this section through section 1001F, a revocable trust shall be considered to be the same person as the grantor of the trust.

''(4) CASH RENT TENANTS.—

''(A) DEFINITION.—In this paragraph, the term 'cash rent tenant' means a person or legal entity that rents land—

''(i) for cash; or

''(ii) for a crop share guaranteed as to the amount of the commodity to be paid in rent.

''(B) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor, with respect to a farming operation shall be eligible to receive a payment described in subsection (b) or (c) only if the tenant makes a significant contribution of equipment to the farming operation.

''(5) FEDERAL AGENCIES.—

''(A) IN GENERAL.—A Federal agency shall not be eligible to receive any payment described in subsection (b) or (c).

''(B) LAND RENTAL.—A lessee of land owned by a Federal agency may receive a payment described in subsection (b) or (c) if the lessee otherwise meets all applicable criteria.

''(6) STATE AND LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—Except as provided in subsection (g), a State or local government, or political subdivision or agency of the government, shall not be eligible to receive a payment described in subsection (b) or (c).

''(B) TENANTS.—A lessee of land owned by a State or local government, or political subdivision or agency of the government, may receive payments described in subsections (b) and (c) if the lessee otherwise meet all applicable criteria.

''(7) CHANGES IN FARMING OPERATIONS.—

''(A) IN GENERAL.—In the administration of this section through section 1001F, the Secretary may not approve any change in a farming operation that otherwise will increase the number of persons to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive.

''(B) FAMILY MEMBERS.—The addition of a family member to a farming operation under the criteria set out in section 1001A shall be considered a bona fide and substantive change in the farming operation.

''(8) DEATH OF OWNER.—

''(A) IN GENERAL.—If any ownership interest in land or a commodity is transferred as the result of the death of a program participant, the new owner of the land or commodity may, if the person is otherwise eligible to participate in the applicable program, succeed to the contract of the prior owner and receive payments subject to this section without regard to the amount of payments received by the new owner.

''(B) LIMITATIONS ON PRIOR OWNER.—Payments made under this paragraph shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.''.

(c) REPEAL OF 3-ENTITY RULE.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(1) in the section heading, by striking ''prevention of creation of entities to qualify as separate persons'' and inserting ''notification of interests''; and

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

''(a) NOTIFICATION OF INTERESTS.—To facilitate administration of section 1001 and this section, each person or legal entity receiving payments described in subsections (b) and (c) of section 1001 as a separate person or legal entity shall separately provide to the Secretary, at such times and in such manner as prescribed by the Secretary—

''(1) the name and social security number of each individual, or the name and taxpayer identification number of each legal entity, that holds or acquires an ownership interest in the separate person or legal entity; and

''(2) the name and taxpayer identification number of each legal entity in which the person or legal entity holds an ownership interest.''.

(d) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended by striking subsection (b) and inserting the following:

''(b) ACTIVELY ENGAGED.—

''(1) IN GENERAL.—To be eligible to receive a payment described in subsection (b) or (c) of section 1001, a person or legal entity shall be actively engaged in farming with respect to a farming operation as provided in this subsection or subsection (c).

''(2) CLASSES ACTIVELY ENGAGED.—Except as provided in subsections (c) and (d)—

''(A) a person (including a person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity, as determined by the Secretary) shall be considered to be actively engaged in farming with respect to a farming operation if—

''(i) the person makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

''(I) capital, equipment, or land; and

''(II) personal labor or active personal management;

''(ii) the person's share of the profits or losses from the farming operation is commensurate with the contributions of the person to the farming operation; and

''(iii) the contributions of the person are at risk;

''(B) a legal entity that is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity determined by the Secretary (including any such legal entity participating in the farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar legal entity as determined by the Secretary) shall be considered as actively engaged in farming with respect to a farming operation if—

''(i) the legal entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

''(ii) the stockholders or members collectively make a significant contribution of personal labor or active personal management to the operation; and

''(iii) the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity;

''(C) if a legal entity that is a general partnership, joint venture, or similar entity, as determined by the Secretary, separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

''(D) in making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

''(c) SPECIAL CLASSES ACTIVELY ENGAGED.—

''(1) LANDOWNER.—A person or legal entity that is a landowner contributing the owned land to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if—

''(A) the landowner receives rent or income for the use of the land based on the production on the land or the operating results of the operation; and

''(B) the person or legal entity meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(2) ADULT FAMILY MEMBER.—If a majority of the participants in a farming operation are family members, an adult family member shall be considered to be actively engaged in farming with respect to the farming operation if the person—

''(A) makes a significant contribution, based on the total value of the farming operation, of active personal management or personal labor; and

''(B) with respect to such contribution, meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(3) SHARECROPPER.—A sharecropper who makes a significant contribution of personal labor to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if the contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(4) GROWERS OF HYBRID SEED.—In determining whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

''(5) CUSTOM FARMING SERVICES.—

''(A) IN GENERAL.—A person or legal entity receiving custom farming services shall be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (4) of this subsection.

''(B) PROHIBITION.—No other rules with respect to custom farming shall apply.

''(6) SPOUSE.—If 1 spouse (or estate of a deceased spouse) is determined to be actively engaged, the other spouse shall be determined to have met the requirements of subsection (b)(2)(A)(i)(II).

''(d) CLASSES NOT ACTIVELY ENGAGED.—

''(1) CASH RENT LANDLORD.—A landlord contributing land to a farming operation shall not be considered to be actively engaged in farming with respect to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for the use of the land.

''(2) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity that the Secretary determines does not meet the standards described in subsections (b)(2) and (c) shall not be considered to be actively engaged in farming with respect to a farming operation.''.

(e) DENIAL OF PROGRAM BENEFITS.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended to read as follows:

''SEC. 1001B. DENIAL OF PROGRAM BENEFITS.

''(a) 2-YEAR DENIAL OF PROGRAM BENEFITS.—A person or legal entity shall be ineligible to receive payments specified in subsections (b) and (c) of section 1001 for the crop year, and the succeeding crop year, in which the Secretary determines that the person or legal entity—

''(1) failed to comply with section 1001A(b) and adopted or participated in adopting a scheme or device to evade the application of section 1001, 1001A, or 1001C; or

''(2) intentionally concealed the interest of the person or legal entity in any farm or legal entity engaged in farming.

''(b) EXTENDED INELIGIBILITY.—If the Secretary determines that a person or legal entity, for the benefit of the person or legal entity or the benefit of any other person or legal entity, has knowingly engaged in, or aided in the creation of a fraudulent document, presented false information that was material and relevant to the administration of sections 1001 through 1001F, or committed other equally serious actions (as identified in regulations issued by the Secretary), the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the person or legal entity.

''(c) PRO RATA DENIAL.—

''(1) IN GENERAL.—Payments otherwise owed to a person or legal entity described in subsections (a) or (b) shall be denied in a pro rata manner based on the ownership interest of the person or legal entity in a farm.

''(2) CASH RENT TENANT.—Payments otherwise payable to the person or legal entity described in subsection (a) or (b) who is a cash rent tenant on a farm owned or under the control of the person or legal entity shall be denied.

''(d) JOINT AND SEVERAL LIABILITY.—Any member of any legal entity (including partnerships and joint ventures) determined to have knowingly participated in a scheme or device to evade, or that has the purpose of evading, sections 1001, 1001A, or 1001C shall be jointly and severally liable for any amounts that are payable to the Secretary as the result of the scheme or device (including amounts necessary to recover those amounts).

''(e) RELEASE.—The Secretary may partially or fully release from liability any person or legal entity who cooperates with the Secretary in enforcing sections 1001, 1001A, and 1001C, and this section.''.

(f TRANSITION.—Section 1001, 1001A, and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–1, 1308–2), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2007 crop of any covered commodity or peanuts.

SEC. 1404. ADJUSTED GROSS INCOME LIMITATION.

(a) EXTENSION OF ADJUSTED GROSS INCOME LIMITATION.—Section 1001D(e) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(e)) is amended by striking ''2007'' and inserting ''2012''.

(b) ALLOCATION OF INCOME.—Section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)) is amended by adding at the end the following:

''(3) ALLOCATION OF INCOME.—On the request of any individual filing a joint tax return, the Secretary shall provide for the allocation of adjusted gross income among the individuals filing the return based on a certified statement provided by a certified public accountant or attorney specifying the manner in which the income would have been declared and reported if the individuals had filed 2 separate returns, if the Secretary determines that the calculation is consistent with the information supporting the filed joint return.''.

(c) MODIFICATION OF LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) CROP YEARS.—

''(A) 2009 CROP YEAR.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during the 2009 crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(B) 2010 AND SUBSEQUENT CROP YEARS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during any of the 2010 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $750,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(C) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Subparagraphs (A) and (B) of paragraph (1) apply with respect to the following:

''(i) A direct payment or counter-cyclical payment under subtitle A of title I of the Farm Security and Rural Investment Act of 2002.

''(ii) A marketing loan gain or loan deficiency payment under subtitle B of title I of the Farm Security and Rural Investment Act of 2002

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(C) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(d) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2007 and 2008 crops of any covered commodity or peanuts.

SEC. 1405. AVAILABILITY OF QUALITY INCENTIVE PAYMENTS FOR CERTAIN PRODUCERS.

(a) INCENTIVE PAYMENTS REQUIRED.—Subject to subsection (b), the Secretary shall use funds made available under subsection (f) to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) COVERED OILSEEDS.—The Secretary shall make payments under this section only for the production of an oilseed variety that has, as determined by the Secretary—

(1) been demonstrated to improve the health profile of the oilseed for use in human consumption by—

(A) reducing or eliminating the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; or

(B) adopting new technology traits; and

(2) 1 or more impediments to commercialization.

(c) REQUEST FOR PROPOSALS.—

(1) ISSUANCE.—If funds are made available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) MULTIYEAR PROPOSALS.—An entity may submit a multiyear proposal for payments under this section.

(3) CONTENT OF PROPOSALS.—A proposal for payments under this section shall include a description of—

(A) each oilseed variety described in subsection (b) and the value of the oilseed variety as a matter of public policy;

(B) a range for the amount of total per bushel or hundredweight premiums to be paid to producers;

(C) a per bushel or hundredweight amount of incentive payments requested for each year under this section that does not exceed ⅓ of the total premium offered for any year;

(D) the period of time, not to exceed 4 years, during which incentive payments are to be provided to producers; and

(E) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) CONTRACTS FOR PRODUCTION.—

(1) IN GENERAL.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis so as to allow production contracts to be entered into with producers in advance of the spring planting season for the 2009 crop year.

(2) TIMING OF PAYMENTS.—The Secretary shall make payments to producers under this section after the Secretary receives documentation that the premium required under a contract has been made to covered producers.

(e) ADMINISTRATION.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent crop years under this section.

(f) PROPRIETARY INFORMATION.—The Secretary shall protect proprietary information provided to the Secretary for the purpose of administering this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $400,000,000 for the period of fiscal years 2008 through 2012.

SEC. 1406. HARD WHITE WHEAT DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE HARD WHITE WHEAT SEED.—The term ''eligible hard white wheat seed'' means hard white wheat seed that, as determined by the Secretary, is—

(A) certified;

(B) of a variety that is suitable for the State in which the seed will be planted;

(C) rated at least superior with respect to quality; and

(D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Wheat Commission of the 1 or more States in which the seed will be planted.

(2) PROGRAM.—The term ''program'' means the hard white wheat development program established under subsection (b)(1).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, in consultation with the State Departments of Agriculture and the State Wheat Commissions of the States in regions in which hard white wheat is produced, as determined by the Secretary.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encouraging production of at least 240,000,000 bushels of hard white wheat by 2012.

(2) PAYMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and subsection (c), the Secretary shall make available incentive payments to producers of each of the 2008 through 2012 crops of hard white wheat.

(B) ACREAGE LIMITATION.—The Secretary shall carry out subparagraph (A) subject to a regional limitation determined by the Secretary on the number of acres for which payments may be received that takes into account planting history and potential planting, but does not exceed a total of 2,900,000 acres or the equivalent volume of production based on a yield of 50 bushels per acre.

(C) PAYMENT LIMITATIONS.—Payments to producers on a farm described in subparagraph (A) shall be—

(i) in an amount that is not less than $0.20 per bushel; and

(ii) in an amount that is not less than $2.00 per acre for planting eligible hard white wheat seed.

(c) FUNDING.—The Secretary shall make available $35,000,000 of funds of the Commodity Credit Corporation during the period of crop years 2008 through 2012 to provide incentive payments to producers of hard white wheat under this section.

SEC. 1407. DURUM WHEAT QUALITY PROGRAM.

(a) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary shall provide compensation to producers of durum wheat in an amount not to exceed 50 percent of the actual cost of fungicides applied to a crop of durum wheat of the producers to control Fusarium head blight (wheat scab) on acres certified to have been planted to Durum wheat in a crop year.

(b) INSUFFICIENT FUNDS.—If the total amount of funds appropriated for a fiscal year under subsection (c) are insufficient to fulfill all eligible requests for compensation under this section, the Secretary shall prorate the compensation payments in a manner determined by the Secretary to be equitable.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SEC. 1408. STORAGE FACILITY LOANS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar), as determined by the Secretary, to construct or upgrade storage and handling facilities for the commodities.

(b) ELIGIBLE PRODUCERS.—A storage facility loan under this section shall be made available to any producer described in subsection (a) that, as determined by the Secretary—

(1) has a satisfactory credit history;

(2) has a need for increased storage capacity; and

(3) demonstrates an ability to repay the loan.

(c) TERM OF LOANS.—A storage facility loan under this section shall have a maximum term of 12 years.

(d) LOAN AMOUNT.—The maximum principal amount of a storage facility loan under this section shall be $500,000.

(e) LOAN DISBURSEMENTS.—The Secretary shall provide for partial disbursements of loan principal, as determined to be appropriate and subject to acceptable documentation, to facilitate the purchase and construction of eligible facilities.

(f) LOAN SECURITY.—Approval of a storage facility loan under this section shall—

(1) for loan amounts of less than $150,000, not require a lien on the real estate parcel on which the storage facility is locate;

(2) for loan amounts equal to or more than $150,000, not require a severance agreement from the holder of any prior lien on the real estate parcel on which the storage facility is located, if the borrower—

(A) agrees to increase the down payment on the storage facility loan by an amount determined appropriate by the Secretary; or

(B) provides other security acceptable to the Secretary; and

(3) allow a borrower, upon the approval of the Secretary, to define a subparcel of real estate as security for the storage facility loan if the subparcel is—

(A) of adequate size and value to adequately secure the loan; and

(B) not subject to any other liens or mortgages that are superior to the lien interest of the Commodity Credit Corporation.

SEC. 1409. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking ''and title I of the Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food and Energy Security Act of 2007''.

SEC. 1410. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended in subsections (a) and (c)(1) by striking ''and subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food and Energy Security Act of 2007''.

SEC. 1411. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under the authority of subtitles A through E and this subtitle.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1412. COTTON CLASSIFICATION SERVICES.

Section 3a of the Act of March 3, 1927 (7 U.S.C. 473a), is amended to read as follows:

''SEC. 3a. COTTON CLASSIFICATION SERVICES.

''(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall—

''(1) make cotton classification services available to producers of cotton; and

''(2) provide for the collection of classification fees from participating producers or agents that voluntarily agree to collect and remit the fees on behalf of producers.

''(b) USE OF FEES.—Classification fees collected under subsection (a)(2) and the proceeds from the sales of samples submitted under this section shall, to the maximum extent practicable, be used to pay the cost of the services provided under this section, including administrative and supervisory costs.

''(c) CONSULTATION.—

''(1) IN GENERAL.—In establishing the amount of fees under this section, the Secretary shall consult with representatives of the United States cotton industry.

''(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations with representatives of the United States cotton industry under this section.

''(d) CREDITING OF FEES.—Any fees collected under this section and under section 3d, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall—

''(1) be credited to the current appropriation account that incurs the cost of services provided under this section and section 3d; and

''(2) remain available without fiscal year limitation to pay the expenses of the Secretary in providing those services.

''(e) INVESTMENT OF FUNDS.—Funds described in subsection (d) may be invested—

''(1) by the Secretary in insured or fully collateralized, interest-bearing accounts; or

''(2) at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.

''(f) LEASE AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may enter into long-term lease agreements that exceed 5 years or may take title to property (including through purchase agreements) for the purpose of obtaining offices to be used for the classification of cotton in accordance with this Act, if the Secretary determines that action would best effectuate the purposes of this Act.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To the extent that financing is not available from fees and the proceeds from the sales of samples, there are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 1413. DESIGNATION OF STATES FOR COTTON RESEARCH AND PROMOTION.

Section 17(f) of the Cotton Research and Promotion Act (7 U.S.C. 2116(f)) is amended—

(1) by striking ''(f) The term'' and inserting the following:

''(f) COTTON-PRODUCING STATE.—

''(1) IN GENERAL.—The term'';

(2) by striking ''more, and the term'' and all that follows through the end of the subsection and inserting the following: ''more.

''(2) INCLUSIONS.—The term 'cotton-producing State' includes—

''(A) any combination of States described in paragraph (1); and

''(B) effective beginning with the 2008 crop of cotton, the States of Kansas, Virginia, and Florida.''.

SEC. 1414. GOVERNMENT PUBLICATION OF COTTON PRICE FORECASTS.

Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

SEC. 1415. STATE, COUNTY, AND AREA COMMITTEES.

Section 8(b)(5)(B)(ii) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(ii)) is amended—

(1) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(2) in the matter preceding item (aa) (as redesignated by paragraph (1)), by striking ''A committee established'' and inserting the following:

''(I) IN GENERAL.—Except as provided in subclause (II), a committee established''; and

(3) by adding at the end the following:

''(II) COMBINATION OR CONSOLIDATION OF AREAS.—A committee established by combining or consolidating 2 or more county or area committees shall consist of not fewer than 3 nor more than 11 members that—

''(aa) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

''(bb) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

''(III) REPRESENTATION OF SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—The Secretary shall ensure, to the extent practicable, that representation of socially disadvantaged farmers and ranchers is maintained on combined or consolidated committees.

''(IV) ELIGIBILITY FOR MEMBERSHIP.—Notwithstanding any other producer eligibility requirements for service on county or area committees, if a county or area is consolidated or combined, a producer shall be eligible to serve only as a member of the county or area committee that the producer elects to administer the farm records of the producer.''.

SEC. 1416. PROHIBITION ON CHARGING CERTAIN FEES.

Public Law 108–470 (7 U.S.C. 7416a) is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following:

''(c) PROHIBITION ON CHARGING CERTAIN FEES.—The Secretary may not charge any fees or related costs for the collection of commodity assessments pursuant to this Act.''.

SEC. 1417. SIGNATURE AUTHORITY.

In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document containing signatures of program applicants, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any applicant signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the applicant knowingly and willfully falsified the evidence of signature authority or a signature.

SEC. 1418. MODERNIZATION OF FARM SERVICE AGENCY.

The Secretary shall modernize the Farm Service Agency information technology and communication systems to ensure timely and efficient program delivery at national, State, and County offices.

SEC. 1419. GEOSPATIAL SYSTEMS.

(a) IN GENERAL.—The Secretary shall ensure that all agencies of the Department of Agriculture consolidate the geospatial systems of the agencies into a single enterprise system that ensures that geospatial data is shareable, portable, and standardized.

(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

(1) identify common datasets;

(2) give responsibility for managing each identified dataset to the agency best suited for collecting and maintaining that data, as determined by the Secretary; and

(3) make every effort to minimize the duplication of efforts.

(c) AVAILABILITY OF DATA.—The Secretary shall ensure, to the maximum extent practicable, that data is readily available to all agencies beginning not later than 2 years after the date of enactment of this Act.

SEC. 1420. LEASING OFFICE SPACE.

The Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation to lease space for use by agencies of the Department of Agriculture in cases in which office space would be jointly occupied by the agencies.

SEC. 1421. REPEALS.

(a) COMMISSION ON APPLICATION OF PAYMENT LIMITATIONS.—Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(b) RENEWED AVAILABILITY OF MARKET LOSS ASSISTANCE AND CERTAIN EMERGENCY ASSISTANCE TO PERSONS THAT FAILED TO RECEIVE ASSISTANCE UNDER EARLIER AUTHORITIES.—Section 1617 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8000) is repealed.

Subtitle F—Specialty Crop Programs

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

(2) STATE.—The term ''State'' means each of the several States of the United States.

(3) STATE DEPARTMENT OF AGRICULTURE.—The term ''State department of agriculture'' means the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State.

PART I—MARKETING, INFORMATION, AND EDUCATION

SEC. 1511. FRUIT AND VEGETABLE MARKET NEWS ALLOCATION.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Agricultural Marketing Service, shall carry out market news activities to provide timely price information of United States fruits and vegetables in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 1512. FARMERS' MARKET PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a), by inserting ''and to promote direct producer-to-consumer marketing'' before the period at the end;

(2) in subsection (b)(1)(B), by striking ''infrastructure'' and inserting ''marketing opportunities'';

(3) in subsection (c)(1), by inserting ''or a producer network or association'' after ''cooperative''; and

(4) by striking subsection (e) and inserting the following:

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.

SEC. 1513. FOOD SAFETY INITIATIVES.

(a) INITIATIVE AUTHORIZED.—The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about—

(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through unsanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the education program in cooperation with public and private partners.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000.

SEC. 1514. CENSUS OF SPECIALTY CROPS.

(a) ESTABLISHMENT.—Not later than September 30, 2008, and each 5 years thereafter, the Secretary shall conduct a census of specialty crops to assist in the regularly development and dissemination of information relative to specialty crops.

(b) RELATION TO OTHER CENSUS.—The Secretary may include the census of specialty crops in the census on agriculture.

PART II—ORGANIC PRODUCTION

SEC. 1521. ORGANIC DATA COLLECTION AND PRICE REPORTING.

Section 2104 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended by adding at the end the following:

''(e) DATA COLLECTION AND PRICE REPORTING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use $5,000,000 for the period of fiscal years 2008 through 2012—

''(1) to collect data relating to organic agriculture;

''(2) to identify and publish organic production and market data initiatives and surveys;

''(3) to expand, collect, and publish organic census data analyses;

''(4) to fund comprehensive reporting of prices relating to organically-produced agricultural products;

''(5) to conduct analysis relating to organic production, handling, distribution, retail, and trend studies;

''(6) to study and perform periodic updates on the effects of organic standards on consumer behavior; and

''(7) to conduct analyses for organic agriculture using the national crop table.''.

SEC. 1522. EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM ASSESSMENTS.

Section 501(e) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(e)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Notwithstanding any provision of a commodity promotion law, a person that produces and markets organic products shall be exempt from the payment of an assessment under a commodity promotion law with respect to that portion of agricultural commodities that the person—

''(A) produces on a certified organic farm (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502); and

''(B) produces or markets as organically produced (as so defined).''.

SEC. 1523. NATIONAL ORGANIC CERTIFICATION COST SHARE PROGRAM.

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended to read as follows:

''SEC. 10606. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) PROGRAM.—The term 'program' means the national certification cost-share program established under subsection (b).

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

''(b) ESTABLISHMENT.—The Secretary shall use amounts made available under subsection (f) to establish a national organic certification cost-share program under which the Secretary shall make payments to States to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

''(2) MAXIMUM AMOUNT.—The maximum amount of a payment made to a producer or handler under this section shall be $750.

''(d) RECORDKEEPING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) keep accurate, up-to-date records of requests and disbursements from the program; and

''(B) require accurate and consistent recordkeeping from each State and entity that receives program payments.

''(2) FEDERAL REQUIREMENTS.—Not later than 30 days after the last day on which a

State may request funding under the program, the Secretary shall—

''(A) determine the number of States requesting funding and the amount of each request; and

''(B) distribute the funding to the States.

''(3) STATE REQUIREMENTS.—An annual funding request from a State shall include data from the program during the preceding year, including—

''(A) a description of—

''(i) the entities that requested reimbursement;

''(ii) the amount of each reimbursement request; and

''(iii) any discrepancies between the amount requested and the amount provided;

''(B) data to support increases in requests expected in the coming year, including information from certifiers or other data showing growth projections; and

''(C) an explanation of any case in which an annual request is lower than the request of the preceding year.

''(e) REPORTING.—Not later than March 1 of each year, the Secretary shall submit to Congress a report that describes the expenditures for each State under the program during the previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.

''(f) FUNDING.—

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $22,000,000, to remain available until expended.

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

SEC. 1524. NATIONAL ORGANIC PROGRAM.

Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking ''There are'' and inserting the following:

''(a) IN GENERAL.—There are''; and

(2) by adding at the end the following:

''(b) NATIONAL ORGANIC PROGRAM.—Notwithstanding any other provision of law, in order to carry out the activities of the Agricultural Marketing Service under the national organic program established under this title, there are authorized to be appropriated—

''(1) $5,000,000 for fiscal year 2008;

''(2) $6,500,000 for fiscal year 2009;

''(3) $8,000,000 for fiscal year 2010;

''(4) $9,500,000 for fiscal year 2011; and

''(5) $11,000,000 for fiscal year 2012.''.

PART III—INTERNATIONAL TRADE

SEC. 1531. FOREIGN MARKET ACCESS STUDY AND STRATEGY PLAN.

(a) DEFINITION OF URUGUAY ROUND AGREEMENTS.—In this section, the term ''Uruguay Round Agreements'' includes any agreement described in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)).

(b) STUDY.—The Comptroller General of the United States shall study—

(1) the extent to which United States specialty crops have or have not benefitted from any reductions of foreign trade barriers, as provided for in the Uruguay Round Agreements; and

(2) the reasons why United States specialty crops have or have not benefitted from such trade-barrier reductions.

(c) STRATEGY PLAN.—The Secretary shall prepare a foreign market access strategy plan based on the study in subsection (b), to increase exports of specialty crops, including an assessment of the foreign trade barriers that are incompatible with the Uruguay Round Agreements and a strategy for removing those barriers.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act—

(1) the Comptroller General shall submit to Congress a report that contains the results of the study; and

(2) the Secretary shall submit to Congress the strategy plan.

SEC. 1532. MARKET ACCESS PROGRAM.

Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended by adding at the end the following:

''(3) MINIMUM ALLOCATION FOR SALE AND EXPORT PROPOSAL.—

''(A) IN GENERAL.—In providing funds under paragraph (2), to the maximum extent practicable, the Secretary shall use not less than 50 percent of any of the funds made available in excess of $200,000,000 to carry out the market access program each fiscal year to provide assistance for proposals submitted by eligible trade organizations to promote the sale and export of specialty crops.

''(B) UNALLOCATED FUNDS.—If, by March 31 of any fiscal year, the Secretary determines that the total amount of funds made available to carry out the market access program are in excess of the amounts necessary to promote the sale and export of specialty crops during the fiscal year, the Secretary may use the excess funds to provide assistance for any other proposals submitted by eligible trade organizations consistent with the priorities described in paragraph (2).''.

SEC. 1533. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended by striking subsection (d) and inserting the following:

''(d) PETITION.—A participant in the program may petition the Secretary for an extension of a project carried out under this section that exceeds, or will exceed, applicable time restrictions.

''(e) FUNDING.—

''(1) IN GENERAL.—The Secretary shall make available to carry out the program under this section—

''(A) $6,800,000 of funds of, or an equal value of commodities owned by, the Commodity Credit Corporation for each of fiscal years 2008 through 2011; and

''(B) $2,000,000 of funds of, or an equal value of commodities owned by, the Commodity Credit Corporation for fiscal year 2012 and each subsequent fiscal year.

''(2) CARRYOVER OF UNOBLIGATED FUNDS.—In a case in which the total amount of funds or commodities made available under paragraph (1) for a fiscal year is not obligated in that fiscal year, the Secretary shall make available in the subsequent fiscal year an amount equal to—

''(A) the amount made available for the fiscal year under paragraph (1); plus

''(B) the amount not obligated in the previous fiscal year.''

SEC. 1534. CONSULTATIONS ON SANITARY AND PHYTOSANITARY RESTRICTIONS FOR FRUITS AND VEGETABLES.

(a) CONSULTATIONS ON SANITARY AND PHYTOSANITARY RESTRICTIONS FOR FRUITS AND VEGETABLES.—To the maximum extent practicable, the Secretary and the United States Trade Representative shall consult with interested persons, and conduct annual briefings, on sanitary and phytosanitary trade issues, including—

(1) the development of a strategic risk management framework; and

(2) as appropriate, implementation of peer review for risk analysis.

(b) SPECIAL CONSULTATIONS ON IMPORT-SENSITIVE PRODUCTS.—Section 2104(b)(2)(A)(ii)(II) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3804(b)(2)(A)(ii)(II)) is amended—

(1) by striking ''whether the products so identified'' and inserting ''whether—

''(aa) the products so identified''; and

(2) by adding at the end the following:

''(bb) any fruits or vegetables so identified are subject to or likely to be subject to unjustified sanitary or phytosanitary restrictions, including restrictions not based on scientific principles in contravention of the Uruguay Round Agreements, as determined by the United States Trade Representative Technical Advisory Committee for Trade in Fruits and Vegetables of the Department of Agriculture; and''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) apply with respect to the initiation of negotiations to enter into any trade agreement that is subject to section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)) on or after the date of the enactment of this Act.

PART IV—SPECIALTY CROPS COMPETITIVENESS

SEC. 1541. SPECIALTY CROP BLOCK GRANTS.

(a) EXTENSION OF PROGRAM.—Section 101(a) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended by striking ''2009'' and inserting ''2012''.

(b) AVAILABILITY OF FUNDS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended by striking subsection (i) and inserting the following:

''(i) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

''(A) $135,000,000 for fiscal year 2008;

''(B) $140,000,000 for fiscal year 2009;

''(C) $145,000,000 for fiscal year 2010;

''(D) $150,000,000 for fiscal year 2011; and

''(E) $0 for fiscal year 2012.

''(2) AQUACULTURE AND SEAFOOD PRODUCTS.—Of the amount made available under subparagraphs (A) through (D) of paragraph (1), the Secretary shall ensure that at least $50,000 is used each fiscal year to promote the competitiveness of aquacultural and seafood products.''.

(c) CONFORMING AMENDMENTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended—

(1) in subsection (a), by striking ''Subject to the appropriation of funds to carry out this section'' and inserting ''Using the funds made available under subsection (i)'';

(2) in subsection (b), by striking ''appropriated pursuant to the authorization of appropriations in'' and inserting ''made available under'';

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

''(c) MINIMUM GRANT AMOUNT.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least ½ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.'';

(4) by redesignating subsection (i) as subsection (j); and

(5) by inserting after subsection (h) the following:

''(i) REALLOCATION.—The Secretary may reallocate to other States any amounts made available under this section that are not obligated or expended by a date determined by the Secretary.''.

(d) DEFINITION OF SPECIALTY CROP.—Section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public

Law 108–465) is amended by striking paragraph (1) and inserting the following:

''(1) SPECIALTY CROP.—The term 'specialty crop' means fruits, vegetables, tree nuts, dried fruits, nursery crops, floriculture, seafood products, aquaculture (including ornamental fish), sea grass, sea oats, and horticulture, including turfgrass sod and herbal crops.''.

(e) DEFINITION OF STATE.—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended by striking ''and the Commonwealth of Puerto Rico'' and inserting ''the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

SEC. 1542. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

Title II of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 118 Stat. 3884) is amended by adding at the end the following:

''SEC. 204. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

''(a) IN GENERAL.—The Secretary of Agriculture may make grants under this section to an eligible entity described in subsection (b)—

''(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

''(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

''(b) ELIGIBLE ENTITIES.—Grants may be made under this section to—

''(1) a State or local government;

''(2) a grower cooperative;

''(3) a State or regional producer or shipper organization;

''(4) a combination of entities described in paragraphs (1) through (3); or

''(5) other entities, as determined by the Secretary.

''(c) MATCHING FUNDS.—As a condition of the receipt of a grant under this section, the recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

''(d) 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.''.

SEC. 1543. HEALTHY FOOD ENTERPRISE DEVELOPMENT CENTER.

Title II of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 118 Stat. 3884) (as amended by section 1542) is amended by adding at the end the following:

''SEC. 205. HEALTHY FOOD ENTERPRISE DEVELOPMENT CENTER.

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'Center' means the healthy food enterprise development center established under subsection (b).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a nonprofit organization;

''(B) a cooperative;

''(C) a business;

''(D) an agricultural producer;

''(E) an academic institution;

''(F) an individual; and

''(G) such other entities as the Secretary may designate.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(4) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community and an Indian tribal community) that, as determined by the Secretary, has—

''(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

''(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

''(C) a high rate of hunger or food insecurity; or

''(D) severe or persistent poverty.

''(b) CENTER.—The Secretary, acting through the Agricultural Marketing Service, shall offer to enter into a contract with a nonprofit organization to establish and support a healthy food enterprise development center to increase access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities.

''(c) ACTIVITIES.—

''(1) PURPOSE.—The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

''(2) TECHNICAL ASSISTANCE AND INFORMATION.—The Center shall collect, develop, and provide technical assistance and information to small and mid-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing, processing, and marketing locally produced agricultural products and increasing the availability of the products in underserved communities.

''(d) AUTHORITY TO SUBGRANT.—The Center may provide subgrants to eligible entities to carry out feasibility studies to establish businesses to carry out the purposes of this section.

''(e) PRIORITY.—In providing technical assistance and grants under subsections (c)(2) and (d), the Center shall give priority to applications that have components that will—

''(1) benefit underserved communities; and

''(2) develop market opportunities for small and mid-sized farm and ranch operations.

''(f) REPORT.—For each fiscal year for which the nonprofit organization described in subsection (b) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the previous fiscal year, including—

''(1) a description of technical assistance provided;

''(2) the total number and a description of the subgrants provided under subsection (d);

''(3) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

''(4) a determination of whether the activities identified in paragraph (3) are sustained in the years following the initial provision of technical assistance and subgrants under this section.

''(g) COMPETITIVE AWARD PROCESS.—The Secretary shall use a competitive process to award funds to establish the Center.

''(h) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section—

''(1) $1,000,000 for fiscal year 2009; and

''(2) $2,000,000 for each of fiscal years 2010 through 2012.''.

PART V—MISCELLANEOUS

SEC. 1551. CLEAN PLANT NETWORK.

(a) IN GENERAL.—The Secretary shall establish a program to be known as the ''National Clean Plant Network'' (referred to in this section as the ''Program'').

(b) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

(1) produce clean propagative plant material; and

(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material may be made available to—

(1) a State for a certified plant program of the State; and

(2) private nurseries and producers.

(d) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

(1) consult with State departments of agriculture and land grant universities; and

(2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program $4,000,000 for each of fiscal years 2008 through 2012.

SEC. 1552. MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall make payments to producers of the 2007 crop of asparagus for market loss resulting from imports during the 2004 through 2007 crop years.

(b) PAYMENT RATE.—The payment rate for a payment under this section shall be based on the reduction in revenue received by asparagus producers associated with imports during the 2004 through 2007 crop years.

(c) PAYMENT QUANTITY.—The payment quantity for asparagus for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 2003 crop of asparagus produced by producers on the farm.

(d) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make available $15,000,000 of the funds of the Commodity Credit Corporation to carry out a program to provide market loss payments to producers of asparagus under this section.

(2) ALLOCATION.—Of the amount made available under paragraph (1), the Secretary shall use—

(A) $7,500,000 to make payments to producers of asparagus for the fresh market; and

(B) $7,500,000 to make payments to producers of asparagus for the processed or frozen market.

SEC. 1553. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking ''4 regions'' and inserting ''3 regions'';

(2) in subparagraph (D), by striking ''35,000,000 pounds'' and inserting ''50,000,000 pounds''; and

(3) by striking subparagraph (E), and inserting the following:

''(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limitation on members on the Council provided in that paragraph, the Secretary shall appoint additional members to the Council from a region that attains additional pounds of production of mushrooms as follows:

''(i) If the annual production of the region is greater than 110,000,000 pounds, but not more than 180,000,000 pounds, the region shall be represented by 1 additional member.

''(ii) If the annual production of the region is greater than 180,000,000 pounds, but not

more than 260,000,000 pounds, the region shall be represented by 2 additional members.

''(iii) If the annual production of the region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.''.

(b) POWERS AND DUTIES OF COUNCIL.—Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

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

''(6) to develop food safety programs, including good agricultural practices and good handling practices or related activities for mushrooms;''.

SEC. 1554. NATIONAL HONEY BOARD.

Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended by adding at the end the following:

''(12) REFERENDUM REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, subject to subparagraph (B), the order providing for the establishment and operation of the Honey Board in effect on the date of enactment of this paragraph shall continue in force, and the Secretary shall not schedule or conduct any referendum on the continuation or termination of the order, until the Secretary first conducts, at the earliest practicable date, concurrent referenda among all eligible producers, importers, packers, and handlers of honey for the purpose of ascertaining whether eligible producers, importers, packers, and handlers of honey approve of 1 or more orders to establish successor marketing boards for honey.

''(B) REQUIREMENTS.—In conducting concurrent referenda under subparagraph (A), the Secretary shall ensure that—

''(i) a referendum of United States honey producers for the establishment of a marketing board solely for United States honey producers is included in the process; and

''(ii) the rights and interests of honey producers, importers, packers, and handlers of honey are protected in the transition to any new marketing board.''.

SEC. 1555. IDENTIFICATION OF HONEY.

Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended—

(1) by designating the first through sixth sentences as paragraphs (1), (2)(A), (2)(B), (3), (4), and (5), respectively; and

(2) by adding at the end the following:

''(6) IDENTIFICATION OF HONEY.—The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture shall be considered a deceptive practice that is prohibited under this Act unless there appears legibly and permanently in close proximity to the certificate, mark, or statement, and in at least a comparable size, the 1 or more names of the 1 or more countries of origin of the lot or container of honey, preceded by 'Product of' or other words of similar meaning.''.

SEC. 1556. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND STANDARDS AND OTHER PURPOSES.

(a) IN GENERAL.—The Secretary shall initiate procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to determine whether it would be appropriate to establish a Federal marketing order for Hass avocados relating to grades and standards and for other purposes under that Act.

(b) EXPEDITED PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—An organization of domestic avocado producers in existence on the date of enactment of this Act may request the issuance of, and submit to the Secretary a proposal for, an order described in subsection (a).

(2) PUBLICATION OF PROPOSAL.—Not later than 60 days after the date on which the Secretary receives a proposed order under paragraph (1), the Secretary shall initiate procedures described in subsection (a) to determine whether the proposed order should proceed.

(c) EFFECTIVE DATE.—Any order issued under this section shall become effective not later than 15 months after the date on which the Secretary initiates procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

Subtitle G—Risk Management

SEC. 1601. DEFINITION OF ORGANIC CROP.

Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) ORGANIC CROP.—The term 'organic crop' means an agricultural commodity that is organically produced consistent with section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).''.

SEC. 1602. GENERAL POWERS.

(a) IN GENERAL.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) in the first sentence of subsection (d), by striking ''The Corporation'' and inserting ''Subject to section 508(j)(2)(A), the Corporation''; and

(2) by striking subsection (n).

(b) CONFORMING AMENDMENTS.—

(1) Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by redesignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively.

(2) Section 521 of the Federal Crop Insurance Act (7 U.S.C. 1521) is amended by striking the last sentence.

SEC. 1603. REDUCTION IN LOSS RATIO.

(a) PROJECTED LOSS RATIO.—Subsection (n)(2) of section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) (as redesignated by section 1902(b)(1)) is amended—

(1) in the paragraph heading, by striking ''AS OF OCTOBER 1, 1998'';

(2) by striking '', on and after October 1, 1998,''; and

(3) by striking ''1.075'' and inserting ''1.0''.

(b) PREMIUMS REQUIRED.—Section 508(d)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(1)) is amended by striking ''not greater than'' and all that follows and inserting ''not greater than—

''(A) 1.1 through September 30, 1998;

''(B) 1.075 for the period beginning October 1, 1998, and ending on the date of enactment of the Food and Energy Security Act of 2007; and

''(C) 1.0 on and after the date of enactment of that Act.''.

SEC. 1604. CONTROLLED BUSINESS INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a) is amended by adding at the end the following:

''(9) COMMISSIONS.—

''(A) DEFINITION OF IMMEDIATE FAMILY.—In this paragraph, the term 'immediate family' means a person's father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, the spouse of the foregoing, and the person's spouse.

''(B) PROHIBITION.—No person may receive a commission or share of a commission for any policy or plan of insurance offered under this Act in which the person has a substantial beneficial interest or in which a member of the person's immediate family has a substantial beneficial interest if, in a calendar year, the aggregate of the commissions exceeds 30 percent of the aggregate of all commissions received by the person for any policy or plan of insurance offered under this Act.

''(C) REPORTING.—On the completion of the reinsurance year, any person that received a commission or share of a commission for any policy or plan of insurance offered under this Act in the prior calendar year shall certify to applicable approved insurance providers that the person received the commissions in compliance with this paragraph.

''(D) SANCTIONS.—The requirements and sanctions prescribed in section 515(h) shall apply to the prosecution of a violation of this paragraph.

''(E) APPLICABILITY.—

''(i) IN GENERAL.—Sanctions for violations under this paragraph shall only apply to the person directly responsible for the certification required under subparagraph (C) or the failure to comply with the requirements of this paragraph.

''(ii) PROHIBITION.—No sanctions shall apply with respect to the policy or plans of insurance upon which commissions are received, including the reinsurance for those policies or plans.''.

SEC. 1605. ADMINISTRATIVE FEE.

Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) BASIC FEE.—

''(i) IN GENERAL.—Except as provided in clause (ii), each producer shall pay an administrative fee for catastrophic risk protection in an amount that is, as determined by the Corporation, equal to 25 percent of the premium amount for catastrophic risk protection established under subsection (d)(2)(A) per crop per county.

''(ii) MAXIMUM AMOUNT.—The total amount of administrative fees for catastrophic risk protection payable by a producer under clause (i) shall not exceed $5,000 for all crops in all counties.''; and

(2) in subparagraph (B)—

(A) by striking ''PAYMENT ON BEHALF OF PRODUCERS'' and inserting ''PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS'';

(B) in clause (i)—

(i) by striking ''or other payment''; and

(ii) by striking ''with catastrophic risk protection or additional coverage'' and inserting ''through the payment of catastrophic risk protection administrative fees'';

(C) by striking clauses (ii) and (vi);

(D) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively;

(E) in clause (iii) (as so redesignated), by striking ''A policy or plan of insurance'' and inserting ''Catastrophic risk protection coverage''; and

(F) in clause (iv) (as so redesignated)—

(i) by striking ''or other arrangement under this subparagraph''; and

(ii) by striking ''additional''.

SEC. 1606. TIME FOR PAYMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

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

''(4) TIME FOR PAYMENT.—Effective beginning with the 2012 reinsurance year, a producer that obtains a policy or plan of insurance under this title shall submit the required premium not later than September 30 of the year for which the plan or policy of insurance was obtained.''; and

(2) in subsection (k)(4), by adding at the end the following:

''(D) TIME FOR REIMBURSEMENT.—Effective beginning with the 2012 reinsurance year, the Corporation shall reimburse approved insurance providers and agents for the allowable administrative and operating costs of the providers and agents as soon as practicable after October 1 (but not later than October 31) of the reinsurance year for which reimbursements are earned.''.

SEC. 1607. SURCHARGE PROHIBITION.

Section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) (as amended by section 1906(1)) is amended by adding at the end the following:

''(5) SURCHARGE PROHIBITION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Corporation may not require producers to pay a premium surcharge for using scientifically-sound sustainable and organic farming practices and systems.

''(B) EXCEPTION.—

''(i) IN GENERAL.—A surcharge may be required for individual organic crops on the basis of significant, consistent, and systemic increased risk factors (including loss history) demonstrated by published cropping system research (as applied to crop types and regions) and other relevant sources of information.

''(ii) CONSULTATION.—The Corporation shall evaluate the reliability of information described in clause (i) in consultation with independent experts in the field.''.

SEC. 1608. PREMIUM REDUCTION PLAN.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by striking paragraph (3) and inserting the following:

''(3) DISCOUNT STUDY.—

''(A) IN GENERAL.—The Secretary shall commission an entity independent of the crop insurance industry (with expertise that includes traditional crop insurance) to study the feasibility of permitting approved insurance providers to provide discounts to producers purchasing crop insurance coverage without undermining the viability of the Federal crop insurance program.

''(B) COMPONENTS.—The study should include—

''(i) an evaluation of the operation of a premium reduction plan that examines—

''(I) the clarity, efficiency, and effectiveness of the statutory language and related regulations;

''(II) whether the regulations frustrated the goal of offering producers upfront, predictable, and reliable premium discount payments; and

''(III) whether the regulations provided for reasonable, cost-effective oversight by the Corporation of premium discounts offered by approved insurance providers, including—

''(aa) whether the savings were generated from verifiable cost efficiencies adequate to offset the cost of discounts paid; and

''(bb) whether appropriate control was exercised to prevent approved insurance providers from preferentially offering the discount to producers of certain agricultural commodities, in certain regions, or in specific size categories;

''(ii) examination of the impact on producers, the crop insurance industry, and profitability from offering discounted crop insurance to producers;

''(iii) examination of implications for industry concentration from offering discounted crop insurance to producers;

''(iv) an examination of the desirability and feasibility of allowing other forms of price competition in the Federal crop insurance program;

''(v) a review of the history of commissions paid by crop insurance providers; and

''(vi) recommendations on—

''(I) potential changes to this title that would address the deficiencies in past efforts to provide discounted crop insurance to producers,

''(II) whether approved insurance providers should be allowed to draw on both administrative and operating reimbursement and underwriting gains to provide discounted crop insurance to producers; and

''(III) any other action that could increase competition in the crop insurance industry that will benefit producers but not undermine the viability of the Federal crop insurance program.

''(C) REQUEST FOR PROPOSALS.—In developing the request for proposals for the study, the Secretary shall consult with parties in the crop insurance industry (including producers and approved insurance providers and agents, including providers and agents with experience selling discount crop insurance products).

''(D) REVIEW OF STUDY.—The independent entity selected by Secretary under subparagraph (A) shall seek comments from interested stakeholders before finalizing the report of the entity.

''(E) REPORT.—Not later than 18 months after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and recommendations of the study.''.

SEC. 1609. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting ''on behalf of the Corporation'' after ''approved provider''.

SEC. 1610. MEASUREMENT OF FARM-STORED COMMODITIES.

Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

''(5) MEASUREMENT OF FARM-STORED COMMODITIES.—Beginning with the 2009 crop year, for the purpose of determining the amount of any insured production loss sustained by a producer and the amount of any indemnity to be paid under a plan of insurance—

''(A) a producer may elect, at the expense of the producer, to have the Farm Service Agency measure the quantity of the commodity; and

''(B) the results of the measurement shall be used as the evidence of the quantity of the commodity that was produced.''.

SEC. 1611. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) IN GENERAL.—Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

''(i) following the reinsurance year ending June 30, 2012;

''(ii) once during each period of 5 reinsurance years thereafter; and

''(iii) subject to subparagraph (B), in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

''(B) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.

''(C) CONSULTATION.—The approved insurance providers may confer with each other and collectively with the Corporation during any renegotiation under subparagraph (A).''.

SEC. 1612. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 1912) is amended by adding at the end the following:

''(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

''(A) for the 2011 reinsurance year, October 1, 2012; and

''(B) for each reinsurance year thereafter, October 1 of the following calendar year.''.

SEC. 1613. CONTROLLING CROP INSURANCE PROGRAM COSTS.

(a) SHARE OF RISK.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the reinsurance agreements of the Corporation with a reinsured company shall require the reinsured company to provide to the Corporation 30 percent of the cumulative underwriting gain or loss of the reinsured company.

''(B) LIVESTOCK.—In the case of a policy or plan of insurance covering livestock, the reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured companies and the availability of private reinsurance.''.

(b) REIMBURSEMENT RATE.—Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following:

''(ii) for each of the 2008 and subsequent reinsurance years—

''(I) 15 percent of the premium used to define loss ratio; and

''(II) in the case of a policy or plan of insurance covering livestock, 27 percent of the premium used to define loss ratio.''.

SEC. 1614. SUPPLEMENTAL DEDUCTIBLE COVERAGE.

(a) IN GENERAL.—Section 508(c)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(4)) is amended—

(1) by striking ''The level of coverage'' and inserting the following:

''(A) BASIC COVERAGE.—The level of coverage''; and

(2) by adding at the end the following:

''(B) SUPPLEMENTAL COVERAGE.—

''(i) IN GENERAL.—Notwithstanding paragraph (3) and subparagraph (A), the Corporation may offer supplemental coverage, based on an area yield and loss basis, to cover that portion of a crop loss not covered under the

individual yield and loss basis plan of insurance of a producer, including any revenue plan of insurance with coverage based in part on individual yield and loss.

''(ii) LIMITATION.—The sum of the indemnity paid to the producer under the individual yield and loss plan of insurance and the supplemental coverage may not exceed 100 percent of the loss incurred by the producer for the crop.

''(iii) ADMINISTRATIVE AND OPERATING EXPENSE REIMBURSEMENT.—Notwithstanding subsection (k)(4), the reimbursement rate for approved insurance providers for the supplemental coverage shall equal 6 percent of the premium used to define the loss ratio.

''(iv) DIRECT COVERAGE.—If the Corporation determines that it is in the best interests of producers, the Corporation may offer supplemental coverage as a Corporation endorsement to existing plans and policies of crop insurance authorized under this title.

''(v) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Notwithstanding subsection (e), the amount of the premium to be paid by the Corporation for supplemental coverage offered pursuant to this subparagraph shall be determined by the Corporation, but may not exceed the sum of—

''(I) 50 percent of the amount of premium established under subsection (d)(2)(C)(i); and

''(II) the amount determined under subsection (d)(2)(C)(ii) for the coverage level selected to cover operating and administrative expenses.''.

(b) CONFORMING AMENDMENTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended—

(1) by striking ''additional coverage'' the first place it appears and inserting ''additional and supplemental coverages''; and

(2) by adding at the end the following:

''(C) SUPPLEMENTAL COVERAGE.—In the case of supplemental coverage offered under subsection (c)(4)(B), the amount of the premium shall—

''(i) be sufficient to cover anticipated losses and a reasonable reserve; and

''(ii) include an amount for operating and administrative expenses, as determined by the Corporation on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.''.

SEC. 1615. REVENUE-BASED SAFETY NET.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

''(11) GROUP RISK INCOME PROTECTION AND GROUP RISK PROTECTION.—The Corporation shall offer, at no cost to a producer, revenue and yield coverage plans that allow producers in a county to qualify for an indemnity if the actual revenue or yield per acre in the county in which the producer is located is below 85 percent of the average revenue or yield per acre for the county, for each agricultural commodity for which a futures price is available, or as otherwise approved by the Secretary, to the extent the coverage is actuarially sound.''.

(b) PREMIUMS.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

''(H) In the case of a group risk income protection and group risk protection offered under subsection (c)(11) beginning in fiscal year 2009, and the whole farm insurance plan offered under subsection (c)(12) beginning in fiscal year 2010, the entire amount of the premium for the plan shall be paid by the Corporation.''.

SEC. 1616. WHOLE FARM INSURANCE.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by section 19___(a)) is amended by adding at the end the following:

''(12) WHOLE FARM INSURANCE PLAN.—The Corporation shall offer, at no cost to a producer described in paragraph (11), a whole farm insurance plan that allows the producer to qualify for an indemnity if actual gross farm revenue is below 80 percent of the average gross farm revenue of the producer.''.

(b) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—Section 523(e) of the Federal Crop Insurance Act (7 U.S.C. 1523(e)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2012'';

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for each of the 2010 through 2012 reinsurance years all States and counties that meet the criteria for selection (pending required rating), as determined by the Corporation.''; and

(3) by adding at the end the following:

''(3) ELIGIBLE PRODUCERS.—The Corporation shall permit the producer of any type of agricultural commodity (including a producer of specialty crops, floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquacultural products (including ornamental fish), sea grass and sea oats, and industrial crops) to participate in a pilot program established under this subsection.''.

(c) PREVENTION OF DUPLICATION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by subsection (a)) is amended by adding at the end the following:

''(13) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall cooperate to ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative compensation under Federal law for the same loss, including by reducing crop insurance indemnity payments.''.

SEC. 1617. ACCESS TO DATA MINING INFORMATION.

(a) IN GENERAL.—Section 515(j)(2) of the Federal Crop Insurance Act (7 U.S.C. 1515(j)(2)) is amended—

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

''(A) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(B) ACCESS TO DATA MINING INFORMATION.—

''(i) IN GENERAL.—The Secretary shall establish a fee-for-access program under which approved insurance providers pay to the Secretary a user fee in exchange for access to the data mining system established under subparagraph (A) for the purpose of assisting in fraud and abuse detection.

''(ii) PROHIBITION.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Corporation shall not impose a requirement on approved insurance providers to access the data mining system established under subparagraph (A).

''(II) ACCESS WITHOUT FEE.—If the Corporation requires approved insurance providers to access the data mining system established under subparagraph (A), access will be provided without charge to the extent necessary to fulfill the requirements.

''(iii) ACCESS LIMITATION.—In establishing the program under clause (i), the Secretary shall ensure that an approved insurance provider has access only to information relating to the policies or plans of insurance for which the approved insurance provider provides insurance coverage, including any information relating to—

''(I) information of agents and adjusters relating to policies for which the approved insurance provider provides coverage;

''(II) the other policies or plans of an insured that are insured through another approved insurance providers; and

''(III) the policies or plans of an insured for prior crop insurance years.''.

(b) INSURANCE FUND.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

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

''(3) DATA MINING SYSTEM.—The Corporation shall use amounts deposited in the insurance fund established under subsection (c) from fees collected under section 515(j)(2)(B) to administer and carry out improvements to the data mining system under that section.''; and

(2) in subsection (c)(1)—

(A) by striking ''and civil'' and inserting ''civil''; and

(B) by inserting ''and fees collected under section 515(j)(2)(B)(i),'' after ''section 515(h),''.

SEC. 1618. PRODUCER ELIGIBILITY.

Section 520(2) of the Federal Crop Insurance Act (7 U.S.C. 1520(2)) is amended by inserting ''or is a person who raises livestock owned by other persons (that is not covered by insurance under this title by another person)'' after ''sharecropper''.

SEC. 1619. CONTRACTS FOR ADDITIONAL CROP POLICIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (14); and

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

''(10) ENERGY CROP INSURANCE POLICY.—

''(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

''(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or bio-based products; and

''(ii) is not typically used for food, feed, or fiber.

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

''(iii) provide protection for production or revenue losses, or both.

''(11) AQUACULTURE INSURANCE POLICY.—

''(A) DEFINITION OF AQUACULTURE.—In this subsection:

''(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

''(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with

qualified entities to carry out research and development regarding a policy to insure aquaculture operations.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of fish and other seafood in aquaculture operations, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of aquaculture operations into existing policies covering adjusted gross revenue; and

''(iii) provide protection for production or revenue losses, or both.

''(12) ORGANIC CROP PRODUCTION COVERAGE IMPROVEMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Corporation shall offer to enter into 1 or more contracts with qualified entities for the development of improvements in Federal crop insurance policies covering organic crops.

''(B) PRICE ELECTION.—

''(i) IN GENERAL.—The contracts under subparagraph (A) shall include the development of procedures (including any associated changes in policy terms or materials required for implementation of the procedures) to offer producers of organic crops a price election that would reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as established using data collected and maintained by the Agricultural Marketing Service.

''(ii) DEADLINE.—The development of the procedures required under clause (i) shall be completed not later than the date necessary to allow the Corporation to offer the price election—

''(I) beginning in the 2009 reinsurance year for organic crops with adequate data available; and

''(II) subsequently for additional organic crops as data collection for those organic crops is sufficient, as determined by the Corporation.

''(13) SKIPROW CROPPING PRACTICES.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

''(B) RESEARCH.—Research described in subparagraph (A) shall—

''(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

''(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

''(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

''(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.''.

SEC. 1620. RESEARCH AND DEVELOPMENT.

(a) REIMBURSEMENT AUTHORIZED.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by striking paragraph (1) and inserting the following:

''(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that—

''(A) is submitted to, and approved by, the Board pursuant to a FCIC reimbursement grant under paragraph (7); or

''(B) is—

''(i) submitted to the Board and approved by the Board under section 508(h) for reinsurance; and

''(ii) if applicable, offered for sale to producers.''.

(b) FCIC REIMBURSEMENT GRANTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by adding at the end the following:

''(7) FCIC REIMBURSEMENT GRANTS.—

''(A) GRANTS AUTHORIZED.—The Corporation shall provide FCIC reimbursement grants to persons (referred to in this paragraph as 'submitters') proposing to prepare for submission to the Board crop insurance policies and provisions under subparagraphs (A) and (B) of section 508(h)(1), that apply and are approved for the FCIC reimbursement grants under this paragraph.

''(B) SUBMISSION OF APPLICATION.—

''(i) IN GENERAL.—The Board shall receive and consider applications for FCIC reimbursement grants at least once each year.

''(ii) REQUIREMENTS.—An application to receive a FCIC reimbursement grant from the Corporation shall consist of such materials as the Board may require, including—

''(I) a concept paper that describes the proposal in sufficient detail for the Board to determine whether the proposal satisfies the requirements of subparagraph (C); and

''(II) a description of —

''(aa) the need for the product, including an assessment of marketability and expected demand among affected producers;

''(bb) support from producers, producer organizations, lenders, or other interested parties; and

''(cc) the impact the product would have on producers and on the crop insurance delivery system; and

''(III) a statement that no products are offered by the private sector that provide the same benefits and risk management services as the proposal;

''(IV) a summary of data sources available that demonstrate that the product can reasonably be developed and properly rated; and

''(V) an identification of the risks the proposed product will cover and an explanation of how the identified risks are insurable under this title.

''(C) APPROVAL CONDITIONS.—

''(i) IN GENERAL.—A majority vote of the Board shall be required to approve an application for a FCIC reimbursement grant.

''(ii) REQUIRED FINDINGS.—The Board shall approve the application if the Board finds that—

''(I) the proposal contained in the application—

''(aa) provides coverage to a crop or region not traditionally served by the Federal crop insurance program;

''(bb) provides crop insurance coverage in a significantly improved form;

''(cc) addresses a recognized flaw or problem in the Federal crop insurance program or an existing product;

''(dd) introduces a significant new concept or innovation to the Federal crop insurance program; or

''(ee) provides coverage or benefits not available from the private sector;

''(II) the submitter demonstrates the necessary qualifications to complete the project successfully in a timely manner with high quality;

''(III) the proposal is in the interests of producers and can reasonably be expected to be actuarially appropriate and function as intended;

''(IV) the Board determines that the Corporation has sufficient available funding to award the FCIC reimbursement grant; and

''(V) the proposed budget and timetable are reasonable.

''(D) PARTICIPATION.—

''(i) IN GENERAL.—In reviewing proposals under this paragraph, the Board may use the services of persons that the Board determines appropriate to carry out expert review in accordance with section 508(h).

''(ii) CONFIDENTIALITY.—All proposals submitted under this paragraph shall be treated as confidential in accordance with section 508(h)(4).

''(E) ENTERING INTO AGREEMENT.—Upon approval of an application, the Board shall offer to enter into an agreement with the submitter for the development of a formal submission that meets the requirements for a complete submission established by the Board under section 508(h).

''(F) FEASIBILITY STUDIES.—

''(i) IN GENERAL.—In appropriate cases, the Corporation may structure the FCIC reimbursement grant to require, as an initial step within the overall process, the submitter to complete a feasibility study, and report the results of the study to the Corporation, prior to proceeding with further development.

''(ii) MONITORING.—The Corporation may require such other reports as the Corporation determines necessary to monitor the development efforts.

''(G) RATES.—Payment for work performed by the submitter under this paragraph shall be based on rates determined by the Corporation for products—

''(i) submitted under section 508(h); or

''(ii) contracted by the Corporation under subsection (c).

''(H) TERMINATION.—

''(i) IN GENERAL.—The Corporation or the submitter may terminate any FCIC reimbursement grant at any time for just cause.

''(ii) REIMBURSEMENT.—If the Corporation or the submitter terminates the FCIC reimbursement grant before final approval of the product covered by the grant, the submitter shall be entitled to—

''(I) reimbursement of all eligible costs incurred to that point; or

''(II) in the case of a fixed rate agreement, payment of an appropriate percentage, as determined by the Corporation.

''(iii) DENIAL.—If the submitter terminates development without just cause, the Corporation may deny reimbursement or recover any reimbursement already made.

''(I) CONSIDERATION OF PRODUCTS.—The Board shall consider any product developed under this paragraph and submitted to the Board under the rules the Board has established for products submitted under section 508(h).''.

(c) CONFORMING AMENDMENT.—Section 523(b)(10) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)(10)) is amended by striking ''(other than research and development costs covered by section 522)''.

SEC. 1621. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking ''$10,000,000'' and all that follows through the end of the paragraph and inserting ''$7,500,000 for fiscal year 2008 and each subsequent fiscal year'';

(2) in paragraph (2)(A), by striking ''$20,000,000 for'' and all that follows through ''year 2004'' and inserting ''$12,500,000 for fiscal year 2008''; and

(3) in paragraph (3), by striking ''the Corporation may use'' and all that follows through the end of the paragraph and inserting ''the Corporation may use—

''(A) not more than $5,000,000 for each fiscal year to improve program integrity, including by—

''(i) increasing compliance-related training;

''(ii) improving analysis tools and technology regarding compliance;

''(iii) use of information technology, as determined by the Corporation;

''(iv) identifying and using innovative compliance strategies; and

''(B) any excess amounts to carry out other activities authorized under this section.''.

SEC. 1622. CAMELINA PILOT PROGRAM.

(a) IN GENERAL.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

''(f) CAMELINA PILOT PROGRAM.—

''(1) IN GENERAL.—Beginning with the 2008 crop year, the Corporation shall establish a pilot program under which producers or processors of camelina may propose for approval by the Board policies or plans of insurance for camelina, in accordance with section 508(h).

''(2) DETERMINATION BY BOARD.—The Board shall approve a policy or plan of insurance proposed under paragraph (1) if, as determined by the Board, the policy or plan of insurance—

''(A) protects the interests of producers;

''(B) is actuarially sound; and

''(C) meets the requirements of this title.''.

(b) NONINSURED CROP ASSISTANCE PROGRAM.—Section 196(a)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(2)) is amended by adding at the end the following:

''(D) CAMELINA.—

''(i) IN GENERAL.—For each of crop years 2008 through 2011, the Secretary shall consider camelina to be an eligible crop for purposes of the noninsured crop disaster assistance program under this section.

''(ii) LIMITATION.—Producers that are eligible to purchase camelina crop insurance, including camelina crop insurance under a pilot program, shall not be eligible for assistance under this section.''.

SEC. 1623. RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS OR RANCHERS.

Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management strategies, education, and outreach specifically targeted at—

''(A) beginning farmers or ranchers;

''(B) immigrant farmers or ranchers that are attempting to become established producers in the United States;

''(C) socially disadvantaged farmers or ranchers;

''(D) farmers or ranchers that—

''(i) are preparing to retire; and

''(ii) are using transition strategies to help new farmers or ranchers get started; and

''(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.''.

SEC. 1624. CROP INSURANCE EDUCATION ASSISTANCE.

(a) PARTNERSHIPS FOR RISK MANAGEMENT EDUCATION.—Section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)) is amended—

(1) in subparagraph (B), by striking ''A grant'' and inserting ''Subject to subparagraph (E), a grant''; and

(2) by adding at the end the following:

''(E) ALLOCATION TO STATES.—The Secretary shall allocate funds made available to carry out this subsection for each fiscal year in a manner that ensures that grants are provided to eligible entities in States based on the ratio that the value of agricultural production of each State bears to the total value of agricultural production in all States, as determined by the Secretary.''.

(b) FUNDING.—Paragraph (5) of section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) (as redesignated by section 1920(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) for the partnerships for risk management education program established under paragraph (3)—

''(i) $20,000,000 for fiscal year 2008, of which not less than $15,000,000 shall be used to provide educational assistance with respect to whole farm and adjusted gross revenue insurance plans;

''(ii) $15,000,000 for fiscal year 2009, of which not less than $10,000,000 shall be used to provide educational assistance described in clause (i);

''(iii) $10,000,000 for fiscal year 2010, of which not less than $5,000,000 shall be used to provide educational assistance described in clause (i); and

''(iv) $5,000,000 for fiscal year 2011 and each fiscal year thereafter.''.

SEC. 1625. AGRICULTURAL MANAGEMENT ASSISTANCE.

Section 524(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)) is amended by adding at end the following:

''(C) COST-SHARING.—The Secretary may provide matching funds to any State described in paragraph (1) that appropriates a portion of the budget of the State to provide financial assistance for producer-paid premiums for crop insurance policies reinsured by the Corporation.''.

SEC. 1626. CROP INSURANCE MEDIATION.

Section 275 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6995) is amended—

(1) by striking ''If an officer'' and inserting the following:

''(a) IN GENERAL.—If an officer'';

(2) by striking ''With respect to'' and inserting the following:

''(b) FARM SERVICE AGENCY.—With respect to'';

(3) by striking ''If a mediation''; and inserting the following:

''(c) MEDIATION.—If a mediation''; and

(4) in subsection (c) (as so designated)—

(A) by striking ''participant shall be offered'' and inserting ''participant shall—

''(1) be offered''; and

(B) by striking the period at the end and inserting the following: ''; and

''(2) to the maximum extent practicable, be allowed to use both informal agency review and mediation to resolve disputes under that title.''.

SEC. 1627. DROUGHT COVERAGE FOR AQUACULTURE UNDER NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)(2)) is amended—

(1) by striking ''On making'' and inserting the following:

''(A) IN GENERAL.—On making''; and

(2) by adding at the end the following:

''(B) AQUACULTURE PRODUCERS.—On making a determination described in subsection (a)(3) for aquaculture producers, the Secretary shall provide assistance under this section to aquaculture producers from all losses related to drought.''.

SEC. 1628. INCREASE IN SERVICE FEES FOR NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(k)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(k)(1)) is amended—

(1) in subparagraph (A), by striking ''$100'' and inserting ''$200''; and

(2) in subparagraph (B)—

(A) by striking ''$300'' and inserting ''$600''; and

(B) by striking ''$900'' and inserting ''$1,500''.

SEC. 1629. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

Section 9001(d) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 211) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) SWEET POTATOES.—

''(A) DATA.—In the case of sweet potatoes, any data obtained under a pilot program carried out by the Risk Management Agency shall not be considered for the purpose of determining the quantity of production under the crop disaster assistance program established under this section.

''(B) EXTENSION OF DEADLINE.—If this paragraph is not implemented before the sign-up deadline for the crop disaster assistance program established under this section, the Secretary shall extend the deadline for producers of sweet potatoes to permit sign-up for the program in accordance with this paragraph.''.

SEC. 1630. PERENNIAL CROP REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing details about activities and administrative options of the Federal Crop Insurance Corporation and Risk Management Agency that address issues relating to—

(1) declining yields on the actual production histories of producers; and

(2) declining and variable yields for perennial crops, including pecans.

TITLE II—CONSERVATION

Subtitle A—Definitions

SEC. 2001. DEFINITIONS.

Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2) through (11), (12) through (15), and (16), (17), and (18) as paragraphs (3) through (12), (15) through (18), and (20), (22), and (23), respectively;

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

''(2) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has, to the maximum extent practicable, the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)), except that the Secretary may include in the definition of the term—

''(A) a fair and reasonable test of net worth; and

''(B) such other criteria as the Secretary determines to be appropriate.'';

(3) by inserting after paragraph (12) (as redesignated by paragraph (1)) the following:

''(13) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(14) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(A) has existing tree cover or is suitable for growing trees; and

''(B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decisionmaking authority over the land.'';

(4) by inserting after paragraph (18) (as redesignated by paragraph (1)) the following:

''(19) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).''; and

(5) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

''(21) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses.

''(B) INCLUSIONS.—The term 'technical assistance' includes—

''(i) technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and

''(ii) technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.''.

Subtitle B—Highly Erodible Land Conservation

SEC. 2101. REVIEW OF GOOD FAITH DETERMINATIONS; EXEMPTIONS.

Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended by striking subsection (f) and inserting the following:

''(f) GRADUATED PENALTIES.—

''(1) INELIGIBILITY.—No person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of the person to actively apply a conservation plan, if the Secretary determines that the person has acted in good faith and without an intent to violate this subtitle.

''(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

''(A) State Executive Director, with the technical concurrence of the State Conservationist; or

''(B) district director, with the technical concurrence of the area conservationist.

''(3) PERIOD FOR IMPLEMENTATION.—A person who meets the requirements of paragraph (1) shall be allowed a reasonable period of time, as determined by the Secretary, but not to exceed 1 year, during which to implement the measures and practices necessary to be considered to be actively applying the conservation plan of the person.

''(4) PENALTIES.—

''(A) APPLICATION.—This paragraph applies if the Secretary determines that—

''(i) a person who has failed to comply with section 1211 with respect to highly erodible cropland, and has acted in good faith and without an intent to violate section 1211; or

''(ii) the violation—

''(I) is technical and minor in nature; and

''(II) has a minimal effect on the erosion control purposes of the conservation plan applicable to the land on which the violation has occurred.

''(B) REDUCTION.—If this paragraph applies under subparagraph (A), the Secretary shall, in lieu of applying the ineligibility provisions of section 1211, reduce program benefits described in section 1211 that the producer would otherwise be eligible to receive in a crop year by an amount commensurate with the seriousness of the violation, as determined by the Secretary.

''(5) SUBSEQUENT CROP YEARS.—Any person whose benefits are reduced for any crop year under this subsection shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of the subsequent crop year, the Secretary determines that the person is actively applying a conservation plan according to the schedule specified in the plan.''.

Subtitle C—Wetland Conservation

SEC. 2201. REVIEW OF GOOD FAITH DETERMINATIONS.

Section 1222(h) of the Food Security Act of 1985 (16 U.S.C. 3822(h)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

''(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

''(A) State Executive Director, with the technical concurrence of the State Conservationist; or

''(B) district director, with the technical concurrence of the area conservationist.''; and

(3) in paragraph (3) (as redesignated by paragraph (1)), by inserting ''be'' before ''actively''.

Subtitle D—Agricultural Resources Conservation Program

CHAPTER 1—COMPREHENSIVE CONSERVATION ENHANCEMENT

Subchapter A—Comprehensive Conservation Enhancement Program

SEC. 2301. REAUTHORIZATION AND EXPANSION OF PROGRAMS COVERED.

(a) IN GENERAL.—Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended to read as follows:

''SEC. 1230. COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—During the 1996 through 2012 fiscal years, the Secretary shall establish a comprehensive conservation enhancement program (referred to in this section as 'CCEP') to be implemented through contracts and the acquisition of easements to assist owners and operators of farms, ranches, and nonindustrial private forestland to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

''(2) MEANS.—The Secretary shall carry out the CCEP by—

''(A) providing for the long-term protection of environmentally-sensitive land; and

''(B) providing technical and financial assistance to farmers, ranchers, and nonindustrial private forest landowners—

''(i) to improve the management and operation of the farms, ranches, and private nonindustrial forest land; and

''(ii) to reconcile productivity and profitability with protection and enhancement of the environment;

''(C) reducing administrative burdens and streamlining application and planning procedures to encourage producer participation; and

''(D) providing opportunities to leverage Federal conservation investments through innovative partnerships with governmental agencies, education institutions, producer groups, and other nongovernmental organizations.

''(3) PROGRAMS.—The CCEP shall consist of—

''(A) the conservation reserve program established under subchapter B;

''(B) the wetlands reserve program established under subchapter C; and

''(C) the healthy forests reserve program established under subchapter D.

''(b) CONTRACTS AND ENROLLMENTS.—

''(1) IN GENERAL.—In carrying out the CCEP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this chapter.

''(2) PRIOR ENROLLMENTS.—Acreage enrolled in the conservation reserve program, wetlands reserve program, or healthy forests reserve program prior to the date of enactment of the Food and Energy Security Act of 2007 shall be considered to be placed into the CCEP.

''(c) ADMINISTRATION.—

''(1) LIMITATIONS.—

''(A) IN GENERAL.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under subchapters B and C of this chapter.

''(B) EASEMENTS.—Within the limit described in subparagraph (A), not more than 10 percent of the land described in that subparagraph may be subject to an easement acquired under subchapter C of this chapter.

''(C) EXCLUSION.—Subparagraphs (A) and (B) shall not apply to acres enrolled in the special conservation reserve enhancement program described in section 1234(f)(3).

''(D) EXCEPTIONS.—The Secretary may exceed the limitation in subparagraph (A) if the Secretary determines that—

''(i)(I) the action would not adversely affect the local economy of a county; and

''(II) operators in the county are having difficulties complying with conservation plans implemented under section 1212; or

''(ii)(I) the acreage to be enrolled could not be used for an agricultural purpose as a result of a State or local law, order, or regulation prohibiting water use for agricultural production; and

''(II) enrollment in the program would benefit the acreage enrolled or land adjacent to the acreage enrolled.

''(E) SHELTERBELTS AND WINDBREAKS.—The limitations established under this paragraph shall not apply to cropland that is subject to an easement under chapter 1 or 3 that is used for the establishment of shelterbelts and windbreaks.

''(F) ENROLLMENT.—Not later than 180 days after the date of a request from a landowner to enroll acreage described in subparagraph (D)(ii) in the program, the Secretary shall enroll the acreage.

''(2) TENANT PROTECTION.—Except for a person who is a tenant on land that is subject to a conservation reserve contract that has been extended by the Secretary, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provisions for sharing, on a fair and equitable basis, in payments under the programs established under this subtitle and subtitles B and C.

''(3) PROVISION OF TECHNICAL ASSISTANCE BY OTHER SOURCES.—

''(A) IN GENERAL.—In the preparation and application of a conservation compliance plan under subtitle B or similar plan required as a condition for assistance from the Department of Agriculture, the Secretary shall permit persons to secure technical assistance from approved sources, as determined by the Secretary, other than the Natural Resources Conservation Service.

''(B) REJECTION.—If the Secretary rejects a technical determination made by a source described in subparagraph (A), the basis of the determination of the Secretary shall be supported by documented evidence.

''(4) REGULATIONS.—Not later than 90 days after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall promulgate regulations to implement the conservation reserve and wetlands reserve programs established under this chapter.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is repealed.

(2) Section 1222(g) of the Food Security Act of 1985 (16 U.S.C. 3822(g)) is amended by striking ''1243'' and inserting ''1230(c)''.

(3) Section 1231(k)(3)(C)(i) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(3)(C)(i)) is amended by striking ''1243(b)'' and inserting ''1230(c)(1)''.

Subchapter B—Conservation Reserve

SEC. 2311. CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended—

(1) by striking ''2007'' and inserting ''2012''; and

(2) by striking ''and wildlife'' and inserting ''wildlife, and pollinator habitat''.

(b) ELIGIBLE LAND.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B), by striking the period at the end and inserting a semicolon;

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''; or'' and inserting a semicolon;

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

(C) in subparagraph (E), by inserting ''in the case of alfalfa or other forage crops,'' before ''enrollment'';

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(6) marginal pasture land or hay land that is otherwise ineligible, if the land—

''(A) is to be devoted to native vegetation appropriate to the ecological site; and

''(B) would contribute to the restoration of a long-leaf pine forest or other declining forest ecosystem, as defined by the Secretary; or

''(7) land that is enrolled in the flooded farmland program established under section 1235B.''.

(c) ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended by striking ''up to'' and all that follows through ''2007'' and inserting ''up to 39,200,000 acres in the conservation reserve at any 1 time during the 2008 through 2012''.

(d) CONSERVATION PRIORITY AREAS.—Section 1231(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3831(f)(1)) is amended—

(1) by striking ''(Pennsylvania, Maryland, and Virginia)''; and

(2) by inserting ''the Prairie Pothole Region, the Grand Lake St. Mary's Watershed, the Eastern Snake Plain Aquifer,'' after ''Sound Region,''.

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

''(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

''(1) PROGRAM.—

''(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

''(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

''(2) ELIGIBLE ACREAGE.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), an owner or operator may enroll in the conservation reserve under this subsection—

''(i)(I) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 4 of the immediately preceding 6 crop years; or

''(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; and

''(ii) buffer acreage that—

''(I) is contiguous to a wetland or shallow water area described in clause (i);

''(II) is used to protect the wetland or shallow water area described in clause (i); and

''(III) is of such width as the Secretary determines is necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

''(B) EXCLUSIONS.—Except for a shallow water area described in paragraph (2)(A)(i), an owner or operator may not enroll in the conservation reserve under this subsection—

''(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

''(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1-24,000 scale map of the United States Geological Survey.

''(C) PROGRAM LIMITATIONS.—

''(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

''(I) 100,000 acres in any 1 State referred to in paragraph (1); and

''(II) not more than a total of 1,000,000 acres.

''(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

''(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

''(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

''(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

''(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

''(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

''(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

''(D) OWNER OR OPERATOR LIMITATIONS.—

''(i) WETLAND.—

''(I) IN GENERAL.—Except for a shallow water area described in paragraph (2)(A)(i), the maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 contiguous acres.

''(II) COVERAGE.—All acres described in subclause (I) (including acres that are ineligible for payment) shall be covered by the conservation contract.

''(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary in consultation with the State Technical Committee.

''(iii) TRACTS.—Except for a shallow water area described in paragraph (2)(A)(i), the maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

''(3) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

''(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

''(B) to establish vegetative cover (which may include emerging vegetation in water) on the eligible acreage, as determined by the Secretary;

''(C) to a general prohibition of commercial use of the enrolled land; and

''(D) to carry out other duties described in section 1232.

''(4) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

''(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

''(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.''.

(f) BALANCE OF NATURAL RESOURCE PURPOSES.—Section 1231(j) of the Food Security Act of 1985 (16 U.S.C. 3831(j)) is amended by striking ''and wildlife'' and inserting ''wildlife, and pollinator''.

(g) DUTIES OF PARTICIPANTS.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

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

''(A) approved vegetative cover shall encourage the planting of native species and restoration of biodiversity;'';

(2) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively; and

(3) by inserting after paragraph (4) the following:

''(5) to undertake active management on the land as needed throughout the term of the contract to implement the conservation plan;''.

(h) MANAGED HARVESTING AND GRAZING.—Section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''and brood rearing'' after ''habitat during nesting''; and

(2) in subparagraph (A), by striking ''biomass)'' and inserting ''biomass and prescribed grazing for the control of invasive species), if such activity is permitted and consistent with the conservation plan described in subsection (b)(1)(A))''; and

(i) CONSERVATION PLANS.—Section 1232(b)(1)(A) of the Food Security Act of 1985 (16 U.S.C. 3832(b)(1)(A)) is amended by striking ''contract; and'' and inserting the following: ''contract that are—

''(i) compatible with the conservation and improvement of soil, water, and wildlife and wildlife habitat;

''(ii) clearly described and apply throughout the duration of the contract;

''(iii) actively managed by the owner or operator that entered into the contract; and

''(iv) consistent with local active management conservation measures and practices, as determined by the Secretary; and''.

(j) ACCEPTANCE OF CONTRACT OFFERS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended—

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

''(3) ACCEPTANCE OF CONTRACT OFFERS.—

''(A) EVALUATION OF OFFERS.—In determining the acceptability of contract offers, the Secretary may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, pollinator, fish, or wildlife habitat, or provide other environmental benefits.

''(B) LOCAL PREFERENCE.—In determining the acceptability of contract offers for new enrollments if, as determined by the Secretary, the land would provide at least equivalent conservation benefits to land under competing offers, the Secretary shall, to the maximum extent practicable, accept an offer from an owner or operator that is a resident of the county in which the land is located or of a contiguous county.''; and

(2) by adding at the end the following:

''(5) RENTAL RATES.—

''(A) ANNUAL ESTIMATES.—Not later than 1 year after the date of enactment of this paragraph, the Secretary (acting through the National Agricultural Statistics Service) shall conduct an annual survey of per acre estimates of county average market dryland and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State that have 20,000 acres or more of cropland and pastureland.

''(B) PUBLIC AVAILABILITY OF ESTIMATES.—The estimates derived from the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.''.

(k) EARLY TERMINATION BY OWNER OR OPERATOR.—Section 1235(e)(1) of the Food Security Act of 1985 (16 U.S.C. 3835(e)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary shall allow a participant to terminate a conservation reserve contract at any time if, as determined by the Secretary—

''(i) the participant entered into a contract under this subchapter before January 1, 1995, and the contract has been in effect for at least 5 years; or

''(ii) in the case of a participant who is disabled (as defined in section 72(m)(7) of the Internal Revenue Code of 1986) or retired from farming or ranching, the participant has endured financial hardship as a result of the taxation of rental payments received.''.

SEC. 2312. FLOODED FARMLAND PROGRAM.

Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831a et seq.) is amended by adding at the end the following:

''SEC. 1235B. FLOODED FARMLAND PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CLOSED BASIN LAKE OR POTHOLE.—The term 'closed basin lake or pothole' means a naturally occurring lake, pond, pothole, or group of potholes within a tract that—

''(A) covered, on average, at least 5 acres in surface area during the preceding 3 crop years, as determined by the Secretary; and

''(B) has no natural outlet.

''(2) TRACT.—The term 'tract' has the meaning given the term by the Secretary.

''(b) PROGRAM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations), as part of the conservation reserve program established under this subchapter, the Secretary shall offer to enter into contracts under which the Secretary shall permit the enrollment in the conservation reserve of eligible cropland and grazing land that has been flooded by the natural overflow of a closed basin lake or pothole located within the Prairie Pothole Region of the northern Great Plains priority area (as determined by the Secretary, by regulation).

''(2) EXTENSIONS.—The Secretary may offer to extend a contract entered into under paragraph (1) if the Secretary determines that conditions persist that make cropland or grazing land covered by the contract and eligible for entry into the program under this section.

''(c) CONTINUOUS SIGNUP.—The Secretary shall offer the program under this section through continuous signup under this subchapter.

''(d) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to enter into a contract under subsection (b), the owner shall own land that, as determined by the Secretary—

''(A) during the 3 crop years preceding entry into the contract, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes; and

''(B) prior to the natural overflow of a closed basin lake or pothole caused by a period of precipitation in excess of historical patterns, had been consistently used for the production of crops or as grazing land.

''(2) INCLUSIONS.—Land described in paragraph (1) shall include—

''(A) land that has been flooded as the result of the natural overflow of a closed basin lake or pothole;

''(B) land that has been rendered inaccessible due to flooding as the result of the natural overflow of a closed basin lake or pothole; and

''(C) a reasonable quantity of additional land adjoining the flooded land that would enhance the conservation or wildlife value of the tract, as determined by the Secretary.

''(3) ADMINISTRATION.—The Secretary may establish—

''(A) reasonable minimum acreage levels for individual parcels of land that may be included in a contract entered into under this section; and

''(B) the location and area of adjoining flooded land that may be included in a contract entered into under this section.

''(e) PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the rate of an annual rental payment under this section, as determined by the Secretary—

''(A) shall be based on the rental rate under this subchapter for cropland, and an appropriate rental rate for pastureland; and

''(B) may be reduced by up to 25 percent, based on the ratio of upland associated with the enrollment of the flooded land.

''(2) EXCLUSIONS.—During the term of a contract entered into under this section, an owner shall not be eligible to participate in or receive benefits for land that is included in the contract under—

''(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

''(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

''(C) any Federal agricultural crop disaster assistance program.

''(f) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of the natural overflow of a closed basin lake or pothole.

''(2) TERMINATION OF CONTRACT.—On termination of a contract under this section, the Secretary shall adjust the cropland base, allotment history, and payment yields for land covered by the contract to ensure equitable treatment of the land relative to program payment yields of comparable land in the county that was not flooded as a result of the natural overflow of a closed basin lake or pothole and was capable of remaining in agricultural production.

''(g) USE OF LAND.—An owner that has entered into a contract with the Secretary under this section shall take such actions as are necessary to avoid degrading any wildlife habitat on land covered by the contract that has naturally developed as a result of the natural overflow of a closed basin lake or pothole.''.

SEC. 2313. WILDLIFE HABITAT PROGRAM.

Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831a et seq.) (as amended by section 2312) is amended by adding at the end the following:

''SEC. 1235C. WILDLIFE HABITAT PROGRAM.

''(a) IN GENERAL.—As part of the conservation reserve program established under this subchapter, the Secretary shall carry out a program to provide to owners and operators who have entered into contracts under this subchapter and established softwood pine stands, for each of fiscal years 2008 through 2012, assistance to carry out, on the acreage of the owner or operator enrolled in the program under this subchapter, activities that improve the condition of the enrolled land for the benefit of wildlife.

''(b) SCOPE OF PROGRAM.—In carrying out the program under this section, the Secretary shall determine—

''(1) the amount and rate of payments (including incentive payments and cost-sharing payments) to be made to owners and operators who participate in the program to ensure the participation of those owners and operators;

''(2) the areas in each of the States in which owners and operators referred to in subsection (a) are located that should be given priority under the program, based on the need in those areas for changes in the condition of land to benefit wildlife; and

''(3) the management strategies and practices (including thinning, burning, seeding, establishing wildlife food plots, and such

other practices that have benefits for wildlife as are approved by the Secretary) that may be carried out by owners and operators under the program.

''(c) AGREEMENTS.—

''(1) IN GENERAL.—An owner or operator described in subsection (a) that seeks to receive assistance under this section shall enter into an agreement with the Secretary that—

''(A) describes the management strategies and practices referred to in subsection (b)(3) that will be carried out by the owner or operator under the agreement;

''(B) describes measures to be taken by the owner or operator to ensure active but flexible management of acreage covered by the agreement;

''(C) requires the owner or operator to submit to periodic monitoring and evaluation by wildlife or forestry agencies of the State in which land covered by the agreement is located; and

''(D) contains such other terms or conditions as the Secretary may require.

''(2) TERM; INCLUSION IN CONTRACT.—An agreement entered into under this section shall have a term of not more than 5 years.

''(d) PARTNERSHIPS.—In carrying out this section, the Secretary may establish or identify and, as appropriate, require owners and operators participating in the program under this section to work cooperatively with, partnerships among the Secretary and State, local, and nongovernmental organizations.

''(e) TECHNICAL ASSISTANCE AND COST SHARING.—The Secretary may provide to owners and operators participating in the program under this section, and members of partnerships described in subsection (d)—

''(1) technical assistance for use in carrying out an activity covered by an agreement described in subsection (c); and

''(2) a payment for use in covering a percentage of the costs of carrying out each such activity that does not exceed the applicable amount and rate determined by the Secretary under subsection (b)(1).

''(f) TERMINATION OF PROGRAM.—The program under this section shall terminate on September 30, 2011.''.

Subchapter C—Wetlands Reserve Program

SEC. 2321. WETLANDS RESERVE PROGRAM.

Section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) ENROLLMENT CONDITIONS.—

''(1) ANNUAL ENROLLMENT.—To the maximum extent practicable, the Secretary shall enroll 250,000 acres in each fiscal year, with no enrollments beginning in fiscal year 2013.

''(2) METHODS OF ENROLLMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall enroll acreage into the wetlands reserve program through the use of—

''(i) permanent easements;

''(ii) 30-year easements;

''(iii) restoration cost-share agreements; or

''(iv) any combination of the options described in clauses (i) through (iii).

''(B) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary shall enroll acreage into the wetlands reserve program through the use of—

''(i) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

''(ii) restoration cost-share agreements; or

''(iii) any combination of the options described in clauses (i) and (ii).''; and

(2) in subsection (c), by striking ''2007 calendar'' and inserting ''2012 fiscal''.

SEC. 2322. EASEMENTS AND AGREEMENTS.

(a) TERMS OF EASEMENT.—Section 1237A(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3837a(b)(2)(B)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking ''; and'' and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) to meet habitat needs of specific wildlife species; and''.

(b) COMPENSATION.—Section 1237A(f) of the Food Security Act of 1985 (16 U.S.C. 3837a(f)) is amended—

(1) in the first sentence—

(A) by striking ''Compensation'' and inserting the following:

''(1) IN GENERAL.—Compensation''; and

(B) by striking ''agreed to'' and all that follows through ''encumbered by the easement'' and inserting ''determined under paragraph (4)'';

(2) in the second sentence, by striking ''Lands'' and inserting the following:

''(2) BIDS.—Land'';

(3) by striking the third sentence and inserting the following:

''(3) PAYMENTS.—Compensation may be provided in not more than 30 annual payments of equal or unequal size, as agreed to by the owner and the Secretary''; and

(4) by adding at the end the following:

''(4) METHOD FOR DETERMINATION OF AMOUNT OF COMPENSATION.—Effective on the date of enactment of this paragraph, the Secretary shall pay the lowest amount of compensation for a conservation easement, as determined by comparison of—

''(A) the fair market value of the land based on—

''(i) the Uniform Standards of Professional Appraisal Practices; or

''(ii) an area-wide market analysis or survey, as determined by the Secretary;

''(B) a geographical cap, as established through a process prescribed in regulations promulgated by the Secretary; and

''(C) the offer made by the landowner.''.

(c) WETLANDS RESERVE ENHANCEMENT PROGRAM.—Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended by adding at the end the following:

''(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetlands reserve enhancement program that the Secretary determines would advance the purposes of this subchapter.

''(2) RESERVED RIGHTS.—Under the wetlands reserve enhancement program, the Secretary may use unique wetlands reserve agreements that may include certain compatible uses as reserved rights in the warranty easement deed restriction, if using those agreements is determined by the Secretary to be—

''(A) consistent with the long-term wetland protection and enhancement goals for which the easement was established; and

''(B) in accordance with a conservation plan.''.

(d) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the implications of the long-term nature of conservation easements granted under section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) on resources of the Department of Agriculture.

(2) INCLUSIONS.—The report shall include—

(A) data relating to the number and location of conservation easements granted under that section that the Secretary holds or has a significant role in monitoring or managing;

(B) an assessment of the extent to which the oversight of the conservation easement agreements impacts the availability of resources, including technical assistance;

(C) an assessment of the uses and value of agreements with partner organizations; and

(D) any other relevant information relating to costs or other effects that would be helpful to the Committees.

SEC. 2323. PAYMENTS.

Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''The total'' and inserting ''Subject to section 1244(i), the total''

(B) by striking ''easement payments'' and inserting ''payments'';

(C) by striking ''person'' and inserting ''individual''; and

(D) by inserting ''or under 30-year contracts or restoration agreements'' before the period at the end; and

(2) in paragraph (3)—

(A) by striking ''Easement payments'' and inserting ''Payments''; and

(B) by striking ''the Food, Agriculture, Conservation, and Trade Act of 1990, or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)'' and inserting ''the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 888), or the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 134)''.

Subchapter D—Healthy Forests Reserve Program

SEC. 2331. HEALTHY FORESTS RESERVE PROGRAM.

(a) IN GENERAL.—Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended by adding at the end the following:

''Subchapter D—Healthy Forests Reserve Program

''SEC. 1237M. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

''(1) to promote the recovery of threatened and endangered species;

''(2) to improve biodiversity; and

''(3) to enhance carbon sequestration.

''(b) COORDINATION.—The Secretary shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

''SEC. 1237N. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

''(a) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

''(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

''(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

''(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

''(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

''(B) are candidates for such listing, State-listed species, or special concern species.

''(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary shall give additional consideration to land the enrollment of which will—

''(1) improve biological diversity; and

''(2) increase carbon sequestration.

''(d) ENROLLMENT BY WILLING OWNERS.—The Secretary shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

''(e) METHODS OF ENROLLMENT.—

''(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—

''(A) a 10-year cost-share agreement;

''(B) a 30-year easement; or

''(C) a permanent easement.

''(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

''(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

''(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

''(B) a 10-year cost-share agreement; or

''(C) any combination of the options described in subparagraphs (A) and (B).

''(f) ENROLLMENT PRIORITY.—

''(1) SPECIES.—The Secretary shall give priority to the enrollment of land that provides the greatest conservation benefit to—

''(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

''(B) secondarily, species that—

''(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

''(ii) are candidates for such listing, State-listed species, or special concern species.

''(2) COST-EFFECTIVENESS.—The Secretary shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

''SEC. 1237O. RESTORATION PLANS.

''(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary, in coordination with the Secretary of Interior.

''(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

''(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

''(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

''SEC. 1237P. FINANCIAL ASSISTANCE.

''(a) PERMANENT EASEMENTS.—In the case of land enrolled in the healthy forests reserve program using a permanent easement, the Secretary shall pay to the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

''(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

''(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.

''(b) 30-YEAR EASEMENT OR CONTRACT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement or contract, the Secretary shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

''(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the easement or contract; and

''(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

''(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

''(1) 50 percent of the actual costs of the approved conservation practices; or

''(2) 50 percent of the average cost of approved practices.

''(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary may accept and use contributions of non-Federal funds to make payments under this section.

''SEC. 1237Q. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements or easements) under the healthy forests reserve program.

''(b) TECHNICAL SERVICE PROVIDERS.—The Secretary may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242, to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

''SEC. 1237R. PROTECTIONS AND MEASURES.

''(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary shall make available to the landowner safe harbor or similar assurances and protection under—

''(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

''(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

''(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 1237O, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 1237P.

''SEC. 1237S. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

''In carrying out this subchapter, the Secretary may consult with—

''(1) nonindustrial private forest landowners;

''(2) other Federal agencies;

''(3) State fish and wildlife agencies;

''(4) State forestry agencies;

''(5) State environmental quality agencies;

''(6) other State conservation agencies; and

''(7) nonprofit conservation organizations.

''SEC. 1237T. FUNDING.

''Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subchapter $70,000,000 for each of the fiscal years 2008 through 2012.''.

(b) CONFORMING AMENDMENTS.—The Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.) is amended—

(1) by striking title V (16 U.S.C. 6571 et seq.); and

(2) by redesignating title VI and section 601 (16 U.S.C. 6591) as title V and section 501, respectively.

CHAPTER 2—COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM

Subchapter A—General Provisions

SEC. 2341. COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by adding at the end the following:

''CHAPTER 6—COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM

''Subchapter A—Comprehensive Stewardship Incentives Program

''SEC. 1240T. COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a comprehensive stewardship incentives program (referred to in this chapter as 'CSIP') to—

''(A) promote coordinated efforts within conservation programs in this chapter to address resources of concern, as identified at the local level;

''(B) encourage the adoption of conservation practices, activities and management measures; and

''(C) promote agricultural production and environmental quality as compatible goals.

''(2) MEANS.—The Secretary shall carry out CSIP by—

''(A) identifying resources of concern at a local level as described in subsection (b)(4);

''(B) entering into contracts with owners and operators of agricultural and nonindustrial private forest land to—

''(i) address natural resource concerns;

''(ii) meet regulatory requirements; or

''(iii) achieve and maintain new conservation practices, activities and management measures; and

''(C) providing technical assistance.

''(3) PROGRAMS.—CSIP shall consist of—

''(A) the conservation stewardship program; and

''(B) the environmental quality incentives program.

''(4) DEFINITION OF RESOURCE OF CONCERN.—In this chapter, the term 'resource of concern' means—

''(A) a specific resource concern on agricultural or nonindustrial private forest land that—

''(i) is identified by the Secretary in accordance with subsection (b)(4);

''(ii) represents a significant conservation concern in the State to which agricultural activities are contributing; and

''(iii) is likely to be addressed successfully through the implementation of conservation practices, activities, and management measures by owners and operators of agricultural and nonindustrial private forest land; or

''(B) a specific resource concern on agricultural or nonindustrial private forest land that is the subject of mandatory environmental requirements that apply to a producer under Federal, State, or local law.

''(b) ADMINISTRATION.—

''(1) IN GENERAL.—In carrying out CSIP, the Secretary shall ensure that the conservation programs under this chapter are managed in a coordinated manner.

''(2) PLANS.—The Secretary shall, to the maximum extent practicable, avoid duplication in the conservation plans required under this chapter and comparable conservation and regulatory programs, including a permit acquired under an approved water or air quality regulatory program.

''(3) TENANT PROTECTION.—The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and

equitable basis, in payments under the programs established under this chapter.

''(4) IDENTIFICATION OF RESOURCES OF CONCERN.—

''(A) IN GENERAL.—The Secretary shall ensure that resources of concern are identified at the State level in consultation with the State Technical Committee.

''(B) LIMITATION.—The Secretary shall identify not more than 5 resources of concern in a particular watershed or other appropriate region or area within a State.

''(5) REGULATIONS.—Not later than 180 days after the date of enactment of the Food and Energy Security Act of 2007 the Secretary shall issue regulations to implement the programs established under this chapter.

''Subchapter B—Conservation Stewardship Program

''SEC. 1240U. PURPOSES.

''The purpose of the conservation stewardship program is to promote agricultural production and environmental quality as compatible goals, and to optimize environmental benefits, by assisting producers—

''(1) in promoting conservation and improving resources of concern (including soil, water, and energy conservation, soil, water, and air quality, biodiversity, fish, wildlife and pollinator habitat, and related resources of concern, as defined by the Secretary) by providing flexible assistance to install, improve, and maintain conservation systems, practices, activities, and management measures on agricultural land (including cropland, grazing land, and wetland) while sustaining production of food and fiber;

''(2) in making beneficial, cost-effective changes to conservation systems, practices, activities, and management measures carried out on agricultural and forest land relating to—

''(A) cropping systems;

''(B) grazing management systems;

''(C) nutrient management associated with livestock and crops;

''(D) forest management;

''(E) fuels management;

''(F) integrated pest management;

''(G) irrigation management;

''(H) invasive species management;

''(I) energy conservation; or

''(J) other management-intensive issues;

''(3) in complying with Federal, State, tribal, and local requirements concerning—

''(A) soil, water, and air quality;

''(B) fish, wildlife, and pollinator habitat; and

''(C) surface water and groundwater conservation;

''(4) in avoiding, to the maximum extent practicable, the need for resource and regulatory programs by protecting resources of concern and meeting environmental quality criteria established by Federal, State, tribal, and local agencies; and

''(5) by encouraging, consolidating, and streamlining conservation planning and regulatory compliance processes to reduce administrative burdens on producers and the cost of achieving environmental goals.

''SEC. 1240V. DEFINITIONS.

''In this chapter:

''(1) COMPREHENSIVE CONSERVATION PLAN.—The term 'comprehensive conservation plan' means a plan produced by following the planning process outlined in the applicable National Planning Procedures Handbook of the Department of Agriculture with regard to all applicable resources of concern.

''(2) CONTRACT OFFER.—The term 'contract offer' means an application submitted by a producer that seeks to address 1 or more resources of concern with the assistance of the program.

''(3) ENHANCEMENT PAYMENT.—The term 'enhancement payment' means a payment described in section 1240X(d).

''(4) ELIGIBLE LAND.—The term 'eligible land' means land described in section 1240X(b).

''(5) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, goats, ducks, ratites, shellfish, alpacas, bison, catfish, managed pollinators, and such other animals and fish as are determined by the Secretary.

''(6) MANAGEMENT INTENSITY.—The term 'management intensity' means the degree, scope, and comprehensiveness of conservation systems, practices, activities, or management measures adopted by a producer to improve and sustain the condition of a resource of concern.

''(7) PAYMENT.—The term 'payment' means financial assistance provided to a producer under the program to compensate the producers for incurred costs associated with planning, materials, installation, labor, management, maintenance, technical assistance, and training, the value of risk, and income forgone by the producer, as applicable, including—

''(A) enhancement payments;

''(B) CSP supplemental payments; and

''(C) other payments provided under this chapter.

''(8) PRACTICE.—

''(A) IN GENERAL.—The term 'practice' means 1 or more measures that improve or sustain a resource of concern.

''(B) INCLUSIONS.—The term 'practice' includes—

''(i) structural measures, vegetative measures, and land management measures, as determined by the Secretary; and

''(ii) planning activities needed to improve or sustain a resource of concern, including implementation of—

''(I) a comprehensive conservation plan; and

''(II) a comprehensive nutrient management plan.

''(9) PRODUCER.—The term 'producer' means an individual who is an owner, operator, landlord, tenant, or sharecropper that—

''(A) derives income from, and controls, the production or management of an agricultural commodity, livestock, or nonindustrial forest land regardless of ownership;

''(B) shares in the risk of producing any crop or livestock; and

''(C)(i) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced); or

''(ii) is a custom feeder or contract grower.

''(10) PROGRAM.—The term 'program' means the conservation stewardship program established under this chapter.

''(11) RESOURCE-CONSERVING CROP.—The term 'resource-conserving crop' means—

''(A) a perennial grass;

''(B) a legume grown for use as forage, seed for planting, or green manure;

''(C) a legume-grass mixture;

''(D) a small grain grown in combination with a grass or legume, whether interseeded or planted in succession;

''(E) a winter annual oilseed crop that provides soil protection; and

''(F) such other plantings as the Secretary determines to be appropriate for a particular area.

''(12) RESOURCE-CONSERVING CROP ROTATION.—The term 'resource-conserving crop rotation' means a crop rotation that—

''(A) includes at least 1 resource-conserving crop;

''(B) reduces erosion;

''(C) improves soil fertility and tilth;

''(D) interrupts pest cycles; and

''(E) in applicable areas, reduces depletion of soil moisture (or otherwise reduces the need for irrigation).

''(13) RESOURCE-SPECIFIC INDICES.—The term 'resource-specific indices' means indices developed by the Secretary that measure or estimate the expected level of resource and environmental outcomes of the conservation systems, practices, activities, and management measures employed by a producer to address a resource of concern on an agricultural operation.

''(14) STEWARDSHIP CONTRACT.—The term 'stewardship contract' means a contract entered into under the conservation stewardship program to carry out the programs and activities described in this chapter.

''(15) STEWARDSHIP THRESHOLD.—The term 'stewardship threshold' means the level of natural resource conservation and environmental management required, as determined by the Secretary—

''(A) to maintain, conserve, and improve the quality or quantity of a resource of concern reflecting at a minimum, the resource management system quality criteria described in the handbooks of the Natural Resource Conservation Service, if available and appropriate; or

''(B) in the case of a resource of concern that is the subject of a Federal, State, or local regulatory requirement, to meet the higher of—

''(i) the standards that are established by the requirement for the resource of concern; or

''(ii) standards reflecting the resource management system quality criteria described in the handbooks of the Natural Resource Conservation Service, if available and appropriate.

''SEC. 1240W. ESTABLISHMENT OF PROGRAM.

''The Secretary shall establish and, for each of fiscal years 2008 through 2012, carry out a conservation stewardship program to assist producers in improving environmental quality by addressing resources of concern in a comprehensive manner through—

''(1) the addition of conservation systems, practices, activities, and management measures; and

''(2) the active management, maintenance, and improvement of existing, and adoption of new, conservation systems, practices, activities, and management measures.

''SEC. 1240X. ELIGIBILITY.

''(a) ELIGIBLE PRODUCERS.—

''(1) GENERAL PROGRAM ELIGIBILITY.—To be eligible to participate in the conservation stewardship program, a producer shall—

''(A) submit to the Secretary for approval a contract offer to participate in the program;

''(B) agree to receive technical services, either directly from the Secretary or, at the option of the producer, from an approved third party under section 1242(b)(3);

''(C) enter into a contract with the Secretary, as described in subsection (c); and

''(D) demonstrate to the satisfaction of the Secretary that the producer—

''(i) is addressing resources of concern relating to both soil and water to at least the stewardship threshold; and

''(ii) is adequately addressing other resources of concern applicable to the agricultural operation, as determined by the Secretary.

''(b) ELIGIBLE LAND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), private agricultural land that is eligible for enrollment in the program includes—

''(A) cropland (including vineyards and orchards);

''(B) pasture land;

''(C) rangeland;

''(D) other agricultural land used for the production of livestock;

''(E) land used for agroforestry;

''(F) land used for aquaculture;

''(G) riparian areas adjacent to otherwise eligible land;

''(H) land under the jurisdiction of an Indian tribe (as determined by the Secretary);

''(I) public land, if failure to enroll the land in the program would defeat the purposes of the program on private land that is an integral part of the operation enrolled or offered to be enrolled in the program by the producer;

''(J) State and school owned land that is under the effective control of a producer; and

''(K) other agricultural land (including cropped woodland and marshes) that the Secretary determines is vulnerable to serious threats to resources of concern.

''(2) EXCLUSIONS.—

''(A) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—The following land is not eligible for enrollment in the program:

''(i) Land enrolled in the conservation reserve program under subchapter B of chapter 1.

''(ii) Land enrolled in the wetlands reserve program established under subchapter C of chapter 1.

''(B) CONVERSION TO CROPLAND.—With regard to the program, land used for crop production after May 13, 2002, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date (except for land enrolled in the conservation reserve program or that has been maintained using long-term crop rotation practices, as determined by the Secretary) shall not be the basis for any payment under the program.

''(3) ECONOMIC USES.—The Secretary shall not restrict economic uses of land covered by a program contract (including buffers and other partial field conservation practices) that comply with the agreement and comprehensive conservation plan, or other applicable law.

''(c) CONTRACT REQUIREMENTS AND PROVISIONS.—

''(1) IN GENERAL.—After a determination by the Secretary that a producer is eligible to participate in the program, and on acceptance of the contract offer of the producer, the Secretary shall enter into a contract with the producer to enroll the land to be covered by the contract.

''(2) AGRICULTURAL OPERATIONS.—All acres of all agricultural operations, whether or not contiguous, that are under the effective control of a producer within a particular watershed or region (or in a contiguous watershed or region) of a State and constitute a cohesive management unit, as determined by the Secretary, at the time the producer enters into a stewardship contract shall be covered by the stewardship contract, other than land the producer has enrolled in the conservation reserve program or the wetlands reserve program.

''(3) RESOURCES OF CONCERN.—Each stewardship contract shall, at a minimum, meet or exceed the stewardship threshold for at least 1 additional resource of concern by the end of the stewardship contract through—

''(A) the installation and adoption of additional conservation systems, practices, activities, or management measures; and

''(B) the active management and improvement of conservation systems, practices, activities, and management measures in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

''(4) TERMS.—A contract entered into under paragraph (1) shall—

''(A) describe the land covered by the contract;

''(B) describe the practices or technical services from an approved third party, to be implemented on eligible land of the producer;

''(C) state the amount of payments (determined in accordance with subsection (f)) the Secretary agrees to make to the producer each year of the contract;

''(D) describe existing conservation systems, practices, activities, and management measures the producer agrees to maintain, manage, and improve during the term of the stewardship contract in order to meet and exceed the appropriate stewardship threshold for the resources of concern;

''(E) describe the additional conservation systems, practices, activities, and management measures the producer agrees to plan, install, maintain, and manage during the term of the stewardship contract in order to meet and exceed the appropriate stewardship threshold for the appropriate resource or resources of concern;

''(F) if applicable, describe the on-farm conservation research, demonstration, training, or pilot project activities the producer agrees to undertake during the term of the contract;

''(G) if applicable, describe the on-farm monitoring and evaluation activities the producer agrees to undertake during the term of the contract relating to—

''(i) a comprehensive conservation plan; or

''(ii) conservation systems, practices, activities, and management measures; and

''(H) include such other provisions as the Secretary determines are necessary to ensure that the purposes of the program are achieved.

''(5) ON-FARM RESEARCH, DEMONSTRATION, TRAINING, OR PILOT PROJECTS.—The Secretary may approve a stewardship contract that includes—

''(A) on-farm conservation research, demonstration, and training activities; and

''(B) pilot projects for evaluation of new technologies or innovative conservation practices.

''(6) DURATION.—A contract under this chapter shall have a term of 5 years.

''(7) EVALUATION OF CONTRACT OFFERS.—In evaluating contract offers made by producers to enter into contracts under the program, the Secretary shall—

''(A) prioritize applications based on—

''(i) the level of conservation treatment on all resources of concern at the time of application, based on the initial scores received by the producer on applicable resource-specific indices;

''(ii) the degree to which the proposed conservation treatment effectively increases the level of performance on applicable resource-specific indices or the level of management intensity with which the producer addresses the designated resources of concern;

''(iii) the extent to which all resources of concern will exceed the stewardship threshold level by the end of the contract period;

''(iv) the extent to which resources of concern in addition to resources of concern will be addressed to meet and exceed the stewardship threshold level by the end of the contract period;

''(v) the extent to which the producer proposes to address the goals and objectives of State, regional, and national fish and wildlife conservation plans and initiatives;

''(vi) whether the proposed conservation treatment reflects the multiple natural resource and environmental benefits of conservation-based farming systems, including resource-conserving crop rotations, advanced integrated pest management, and managed rotational grazing; and

''(vii) whether the application includes land transitioning out of the conservation reserve program, on the condition that the land is maintained in a grass-based system and would help meet habitat needs for fish and wildlife;

''(B) evaluate the extent to which the anticipated environmental benefits from the contract would be provided in the most cost-effective manner, relative to other similarly beneficial contract offers;

''(C) reward higher levels of environmental performance and management intensity;

''(D) develop criteria for use in evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed;

''(E) evaluate the extent to which the environmental benefits expected to result from the contract complement other conservation efforts in the watershed or region; and

''(F) provide opportunities to agricultural producers that have not previously participated in Federal conservation programs, including beginning farmers and ranchers and socially disadvantaged farmers and ranchers.

''(8) TERMINATION OF CONTRACTS.—

''(A) IN GENERAL.—

''(i) VOLUNTARY TERMINATION.—The producer may terminate a contract entered into with the Secretary under this chapter if the Secretary determines that the termination is in the public interest.

''(ii) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

''(B) REPAYMENT.—If a contract is terminated, the Secretary may—

''(i) allow the producer to retain payments already received under the contract if—

''(I) the producer has complied with the terms and conditions of the contract; and

''(II) the Secretary determines that allowing the producer to retain the payments is consistent with the purposes of the program;

''(ii) require repayment, in whole or in part, of payments already received; and

''(iii) assess liquidated damages, if doing so is consistent with the purposes of the program.

''(C) TRANSFER OR CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

''(i) IN GENERAL.—Except as provided in clause (ii), the transfer, or change in the interest, of a producer in land subject to a contract under this chapter shall result in the termination of the contract.

''(ii) TRANSFER OF DUTIES AND RIGHTS.—Clause (i) shall not apply if—

''(I) within a reasonable period of time (as determined by the Secretary) after the date of the transfer or change in the interest in land, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee; and

''(II) the transferee meets the eligibility requirements of this subchapter.

''(9) MODIFICATION.—

''(A) IN GENERAL.—The Secretary may allow a producer to modify a contract before the expiration of the contract if the Secretary determines that failure to modify the contract would significantly interfere with achieving the purposes of the program.

''(B) PARTICIPATION IN OTHER PROGRAMS.—If appropriate payment reductions and other adjustments (as determined by the Secretary) are made to the contract of a producer, the producer may remove land enrolled in the conservation stewardship program for enrollment in the conservation reserve program, wetlands reserve program, or other conservation programs, as determined by the Secretary.

''(C) CHANGES IN SIZE OF OPERATION.—The Secretary shall allow a producer to modify a stewardship contract before the expiration of the stewardship contract if the agricultural

operation of the producer has reduced or enlarged in size to reflect the new acreage total.

''(D) NEW ACREAGE.—With respect to acreage added to the agricultural operation of a producer after entering into a stewardship contract, a producer may elect to not add the acreage to the stewardship contract during the term of the current stewardship contract, except that such additional acreage shall be included in any contract renewal.

''(E) CHANGES IN PRODUCTION.—The Secretary shall allow a producer to modify a stewardship contract before the expiration of the stewardship contract if—

''(i) the producer has a change in production that requires a change to scheduled conservation practices and activities; and

''(ii) the Secretary determines that—

''(I) all relevant conservation standards will be maintained or improved; and

''(II) there is no increase in total payment under the stewardship contract.

''(10) EFFECT OF NONCOMPLIANCE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF PRODUCER.—The Secretary shall include in each contract a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related weather, pest, disease, or other similar condition, as determined by the Secretary.

''(11) COORDINATION WITH ORGANIC CERTIFICATION.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the Secretary shall establish a transparent and producer-friendly means by which producers may coordinate and simultaneously certify eligibility under—

''(i) a stewardship contract; and

''(ii) the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(B) PROGRAMMATIC CONSIDERATIONS.—The Secretary shall identify and implement programmatic considerations, including conservation systems, practices, activities, and management measures, technical assistance, evaluation of contract offers, enhancement payments, on-farm research, demonstration, training, and pilot projects, and data management, through which to maximize the purposes of the program by enrolling producers who are certified under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(12) RENEWAL.—At the end of a stewardship contract of a producer, the Secretary shall allow the producer to renew the stewardship contract for an additional 5-year period if the producer—

''(A) demonstrates compliance with the terms of the existing contract, including a demonstration that the producer has complied with the schedule for the implementation of additional conservation systems, practices, activities, and management measures included in the stewardship contract and is addressing the designated resources of concern to a level that meets and exceeds the stewardship threshold; and

''(B) agrees to implement and maintain such additional conservation practices and activities as the Secretary determines to be necessary and feasible to achieve higher levels of performance on applicable resource-specific indices or higher levels of management intensity with which the producer addresses the resources of concern.

''(d) ENHANCEMENT PAYMENTS.—

''(1) LOWER PAYMENTS.—In evaluating applications and making payments under this chapter, the Secretary shall not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be entitled to receive.

''(2) EVALUATION OF CONTRACT OFFERS.—Nothing in this subsection relieves the Secretary of the obligation, in evaluating applications for payments, to evaluate and prioritize the applications in accordance with subsection (e)(4)), including the requirement for contracts to be cost-effective.

''(3) LOWEST-COST ALTERNATIVES.—In determining the eligibility of a conservation system, practice, activity, or management measure for a payment under this subsection, the Secretary shall require, to the maximum extent practicable, that the lowest-cost alternatives be used to achieve the purposes of the contract, as determined by the Secretary.

''(4) METHOD OF PAYMENT.—Payments under this subsection shall be made in such amounts and in accordance with such time schedule as is agreed on and specified in the contract.

''(5) ACTIVITIES QUALIFYING FOR PAYMENTS.—

''(A) IN GENERAL.—To receive an enhancement payment under this subsection, a producer shall agree—

''(i) to implement additional conservation systems, practices, activities, and management measures and maintain, manage, and improve existing conservation systems, practices, activities, and management measures in order to maintain and improve the level of performance of the producer, as determined by applicable resource-specific indices, or the level of management intensity of the producer with respect to resources of concern in order to meet and exceed the stewardship threshold for resources of concern; and

''(ii) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records demonstrating the effective and timely implementation of the stewardship contract.

''(B) COMPENSATION.—Subject to subparagraph (C), the Secretary shall provide an enhancement payment to a producer to compensate the producer for—

''(i) ongoing implementation, active management, and maintenance of conservation systems, practices, activities, and management measures in place on the operation of the producer at the time the contract offer of the producer is accepted; and

''(ii) installation and adoption of additional conservation systems, practices, activities, and management measures or improvements to conservation systems, practices, activities, and management measures in place on the operation of the producer at the time the contract offer is accepted.

''(C) ADJUSTMENTS.—A payment under subparagraph (B) shall be adjusted to reflect—

''(i) management intensity; or

''(ii) resource-specific indices, in a case in which those indices have been developed and implemented.

''(D) ON-FARM RESEARCH, DEMONSTRATION, TRAINING, AND PILOT PROJECT PAYMENTS.—The Secretary shall provide an additional enhancement payment to a producer who opts to participate as part of the stewardship contract in an on-farm conservation research, demonstration, training or pilot project certified by the Secretary to compensate the producer for the cost of participation.

''(E) RESTRICTION ON STRUCTURAL PRACTICES.—For purposes of the conservation stewardship program, structural practices shall be eligible for payment only if the structural practices are integrated with and essential to support site-specific management activities that are part of an implemented management system designed to address 1 or more resources of concern.

''(6) EXCLUSIONS.—An enhancement payment to a producer under this subsection shall not be provided for the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations.

''(7) TIMING OF PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall make enhancement payments as soon as practicable after October 1 of each fiscal year.

''(B) ADDITIONAL SYSTEMS, PRACTICES, ACTIVITIES, AND MANAGEMENT MEASURES.—The Secretary shall make enhancement payments to compensate producers for installation and adoption of additional conservation systems, practices, activities, and management measures or improvements to existing conservation systems, practices, activities, and management measures at the time at which the systems, practices, activities, and measures or improvements are installed and adopted.

''(8) RESEARCH, DEMONSTRATION, TRAINING, AND PILOT PROJECT PAYMENT LIMITATIONS.—An enhancement payment for research, demonstration, training and pilot projects may not exceed $25,000 for each 5-year term of the stewardship contract (excluding funding arrangements with federally recognized Indian tribes or Alaska Native Corporations).

''(e) CSP SUPPLEMENTAL PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall provide additional payments to producers that, in participating in the conservation stewardship program, agree to adopt resource-conserving crop rotations to achieve optimal crop rotations as appropriate for the land of the producers.

''(2) OPTIMAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is an optimal crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to optimize natural resource conservation and production benefits, including—

''(A) increased efficiencies in pesticide, fertilizer, and energy use; and

''(B) improved disease management.

''(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain optimal resource-conserving crop rotations for the term of the contract.

''(4) RATE.—The Secretary shall provide payments under this subsection at a rate that encourages producers to adopt optimal resource-conserving crop rotations.

''(f) LIMITATION ON PAYMENTS.—Subject to section 1244(i), an individual or entity may not receive, directly or indirectly, payments under this subchapter that, in the aggregate, exceed $240,000 for all contracts entered into under the conservation stewardship program during any 6-year period.

''(g) DUTIES OF PRODUCERS.—In order to receive assistance under this chapter, a producer shall—

''(1) implement the terms of the contract approved by the Secretary;

''(2) not conduct any practices on the covered land that would defeat the purposes of the program;

''(3) on the violation of a term or condition of the contract at any time the producer has control of the land—

''(A) if the Secretary determines that the violation warrants termination of the contract—

''(i) forfeit all rights to receive payments under the contract; and

''(ii) refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments or liquidated damages, as determined by the Secretary;

''(B) if the Secretary determines that the violation does not warrant termination of the contract, refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate; or

''(C) comply with a combination of the remedies authorized by subparagraphs (A) and (B), as the Secretary determines to be appropriate;

''(4) on the transfer of the right and interest of the producer in land subject to the contract (unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract) refund any cost-share payments, incentive payments, and stewardship payments received under the program, as determined by the Secretary;

''(5) supply information as required by the Secretary to determine compliance with the contract and requirements of the program; and

''(6) comply with such additional provisions as the Secretary determines are necessary to carry out the contract.

''(h) DUTIES OF SECRETARY.—

''(1) IN GENERAL.—To achieve the conservation and environmental goals of a contract under this chapter, to the extent appropriate, the Secretary shall—

''(A) provide to a producer information and training to aid in implementation of the conservation systems, practices, activities, and management measures covered by the contract;

''(B) develop agreements with governmental agencies, nonprofit organizations, and private entities to facilitate the provision of technical and administrative assistance and services;

''(C) make the program available to eligible producers on a continuous enrollment basis;

''(D) when identifying biodiversity or fish and wildlife as a resource of concern for a particular watershed or other appropriate region or area within a State, ensure that the identification—

''(i) is specific with respect to particular species or habitat; and

''(ii) would further the goals and objectives of State, regional, and national fish and wildlife conservation plans and initiatives;

''(E) provide technical assistance and payments for each of fiscal years 2008 through 2012;

''(F) maintain contract and payment data relating to the conservation stewardship program in a manner that provides detailed and segmented data and allows for quantification of the amount of payments made to producers for—

''(i) the installation and adoption of additional conservation systems, practices, activities, or management measures;

''(ii) participating in research, demonstration, training, and pilot projects;

''(iii) the development, monitoring, and evaluation of comprehensive conservation plans; and

''(iv) the maintenance and active management of conservation systems, practices, activities, and management measures, and the improvement of conservation practices, in place on the operation of the producer on the date on which the contract offer is accepted by the Secretary;

''(G) develop resource-specific indices for purposes of determining eligibility and payments; and

''(H) establish and publicize design protocols and application procedures for individual producer and collaborative on-farm research, demonstration, training, and pilot projects.

''(2) SPECIALTY CROP PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available and program specifications are appropriate to enable specialty crop producers to participate in the conservation stewardship program.

''(3) ADDITIONAL REQUIREMENTS.—For the period beginning on the date of enactment of this chapter and ending on September 30, 2017, with respect to eligible land of producers participating in the program, the Secretary shall—

''(A) to the maximum extent practicable, enroll an additional 13,273,000 acres for each fiscal year, but not to exceed 79,638,000 acres;

''(B) implement the program nationwide to make the program available to producers meeting the eligibility requirements in each county;

''(C) to the maximum extent practicable, manage the program to achieve a national average annual cost per acre of $19, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program of those acres; and

''(D) establish a minimum contract value, to ensure equity for small acreage farms, including specialty crop and organic producers.

''(i) ACRE ALLOCATION.—

''(1) INITIAL ALLOCATIONS TO STATES.—In making allocations of acres to States to enroll in the conservation stewardship program, to the maximum extent practicable, the Secretary shall allocate to each State a number of acres equal to the proportion that—

''(A) the number of acres of eligible land in the State; bears to

''(B) the number of acres of eligible land in all States.

''(2) MINIMUM ACRE ALLOCATION.—Of the acres allocated for each fiscal year, no State shall have allocated fewer than the lesser of—

''(A) 20,000 acres; or

''(B) 2.2 percent of the number of acres of eligible land in the State.

''(3) REALLOCATION TO STATES.—For any fiscal year, acres not obligated under this subsection by a date determined by the Secretary through rulemaking shall be reallocated to each State that—

''(A) has obligated 100 percent of the initial allocation of the State; and

''(B) requests additional acres.

''SEC. 1240Y. REGULATIONS.

''Not later than 180 days after the date of enactment of this chapter, the Secretary shall promulgate such regulations as are necessary to carry out the program, including regulations that—

''(1) provide for adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing payments, on a fair and equitable basis;

''(2) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the program; and

''(3) to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.''.

Subchapter B—Environmental Quality Incentives Program

SEC. 2351. PURPOSES.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in the matter preceding paragraph (1), by inserting '', forest management,'' after ''agricultural production'';

(2) in paragraph (3)—

(A) by inserting '', forest land,'' after ''grazing land''; and

(B) by inserting ''pollinators,'' after ''wetland),''; and

(3) in paragraph (4)—

(A) by inserting ''fuels management, forest management,'' after ''grazing management,''; and

(B) by inserting ''and forested'' after ''agricultural''.

SEC. 2352. DEFINITIONS.

(a) ELIGIBLE LAND.—Section 1240A(2) of the Food Security Act of 1985 (16 U.S.C. 3838aa–1(2)) is amended—

(1) in subparagraph (A), by striking ''commodities or livestock'' and inserting ''commodities, livestock, or forest-related products''; and

(2) in subparagraph (B)—

(A) by striking clause (v) and inserting the following:

''(v) nonindustrial private forest land;'';

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) land used for pond-raised aquaculture production; and''.

(b) LAND MANAGEMENT PRACTICE.—Section 1240A(3) of the Food Security Act of 1985 (16 U.S.C. 3838aa–1(3)) is amended—

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

''(A) IN GENERAL.—The term'';

(2) by inserting ''fuels management, forest management,'' after ''grazing management''; and

(3) by adding at the end the following:

''(B) FOREST MANAGEMENT.—For purposes of subparagraph (A), forest management practices may include activities that the Secretary determines are necessary—

''(i) to improve water, soil, or air quality;

''(ii) to restore forest biodiversity;

''(iii) to control invasive species;

''(iv) to improve wildlife habitat; or

''(v) to achieve conservation priorities identified in an applicable forest resource assessment and plan.''.

(c) PRACTICE.—Section 1240A(5) of the Food Security Act of 1985 (16 U.S.C. 3838aa–1(5)) is amended by inserting ''conservation planning practices,'' after ''land management practices,''.

(d) CUSTOM FEEDING BUSINESS.—Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3838aa–1) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

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

''(6) PRODUCER.—The term 'producer' includes a custom feeding business and a contract grower or finisher.''.

(e) STRUCTURAL PRACTICE.—Paragraph (7)(A) of section 1240A of the Food Security Act of 1985 (16 U.S.C. 3838aa–1) (as redesignated by subsection (d)(1)) is amended by inserting ''firebreak, fuelbreak,'' after ''constructed wetland,''.

SEC. 2353. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) ESTABLISHMENT.—Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is amended—

(1) in paragraph (1), by striking ''2010'' and inserting ''2012''; and

(2) in paragraph (2)(B), by inserting ''conservation plan or'' after ''develops a''.

(b) PRACTICES AND TERM.—Section 1240B(b) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(b)) is amended—

(1) in paragraph (1), by inserting ''conservation planning practices,'' after ''land management practices,''; and

(2) in paragraph (2)(B), by striking ''10'' and inserting ''5''.

(c) ESTABLISHMENT AND ADMINISTRATION.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(1) by striking subsection (c);

(2) in subsection (d)—

(A) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) SOCIALLY DISADVANTAGED FARMERS OR RANCHERS AND BEGINNING FARMERS OR RANCHERS.—

''(i) IN GENERAL.—In the case of a producer that is a socially disadvantaged farmer or rancher or a beginning farmer or rancher, the Secretary may increase the amount that would otherwise be provided to the producer under paragraph (1) to—

''(I) not more than 90 percent; and

''(II) not less than 15 percent above the otherwise applicable rate.

''(ii) ADVANCE PAYMENTS.—Not more than 30 percent of the amount determined under clause (i) may be provided in advance for the purpose of purchasing materials or contracting.'';

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

''(3) OTHER PAYMENTS.—A producer shall not be eligible for cost-share payments for practices on eligible land under the program if the producer receives cost-share payments or other benefits for the same practice on the same land under another program.''; and

(C) by adding at the end the following:

''(4) GUARANTEED LOAN ELIGIBILITY.—Notwithstanding section 333(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983(1)), with respect to the cost of a loan, a producer with an application that meets the standards for a cost-share payment under this subsection but that is not approved by the Secretary shall receive priority consideration for a guaranteed loan under section 304 of that Act (7 U.S.C. 1924).'';

(3) in subsection (e), by striking paragraph (2) and inserting the following:

''(2) SPECIAL RULE.—In determining the amount and rate of incentive payments, the Secretary may accord great significance to a practice that promotes residue, nutrient, air quality, pest, or predator deterrence, including practices to deter predator species protected under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), gray wolves, grizzly bears, and black bears.'';

(4) in subsection (g), by striking ''2007'' and inserting ''2012'';

(5) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively; and

(6) by adding at the end the following:

''(h) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRACTICE.—

''(1) IN GENERAL.—The Secretary may provide technical assistance, cost-share payments, and incentive payments to a producer for a water conservation or irrigation practice.

''(2) PRIORITY.—In providing assistance and payments to producers for a water conservation or irrigation practice, the Secretary may give priority to applications in which—

''(A) there is an improvement in surface flows or a reduction in the use of groundwater in the agricultural operation of the producer, consistent with the law of the State in which the operation of the producer is located; or

''(B) the producer agrees not to use any associated water savings to bring new land, other than incidental land needed for efficient operations, under irrigated production, unless the producer is participating in a watershed-wide project that will effectively conserve water, as determined by the Secretary.''.

SEC. 2354. EVALUATION OF OFFERS AND PAYMENTS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3); and

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

''(2) improve conservation practices in place on the operation of the producer at the time the contract offer is accepted; and''.

SEC. 2355. DUTIES OF PRODUCERS.

Section 1240D(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–4(2)) is amended by striking ''farm or ranch'' and inserting ''farm, ranch, or forest land''.

SEC. 2356. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

Section 1240E(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', or an entity described in section 1244(e) acting on behalf of producers,'' after ''producer'';

(2) in paragraph (2), by striking ''and'' after the semicolon at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) in the case of forest land, is consistent with a forest management plan that is approved by the Secretary, which may include—

''(A) a forest stewardship plan described in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a);

''(B) another practice plan approved by the State forester; or

''(C) another plan determined appropriate by the Secretary.''.

SEC. 2357. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) by striking ''An individual'' and inserting ''(a) IN GENERAL.—Subject to section 1244(i), an individual''; and

(2) by adding at the end the following:

''(b) PRODUCER ORGANIZATIONS.—In the case of an entity described in section 1244(e), the limitation established under this section shall apply to each participating producer and not to the entity described in section 1244(e).''.

SEC. 2358. CONSERVATION INNOVATION GRANTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may pay the cost of competitive grants that leverage Federal investment in environmental enhancement and protection through the program by—

''(1) stimulating the development of innovative technologies; and

''(2) transferring those technologies to agricultural and nonindustrial private forest land in production.''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2)(A) implement innovative conservation technologies, such as market systems for pollution reduction and practices for the storing of carbon in the soil;

''(B) provide a mechanism for transferring those technologies to agricultural and nonindustrial private forest land in production; and

''(C) increase environmental and resource conservation benefits through specialty crop production; and''.

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended to read as follows:

''SEC. 1240I. GROUND AND SURFACE WATER CONSERVATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to improve irrigation systems;

''(2) to enhance irrigation efficiencies;

''(3) to assist producers in converting to—

''(A) the production of less water-intensive agricultural commodities; or

''(B) dryland farming;

''(4) to improve water storage capabilities through measures such as water banking and groundwater recharge and other related activities;

''(5) to mitigate the effects of drought;

''(6) to enhance fish and wildlife habitat associated with irrigation systems, including pivot corners and areas with irregular boundaries;

''(7) to conduct resource condition assessment and modeling relating to water conservation;

''(8) to assist producers in developing water conservation plans; and

''(9) to promote any other measures that improve groundwater and surface water conservation, as determined by the Secretary.

''(b) DEFINITIONS.—In this section:

''(1) PARTNER.—

''(A) IN GENERAL.—The term 'partner' means an entity that enters into a partnership agreement with the Secretary to carry out water conservation activities on a regional scale.

''(B) INCLUSIONS.—The term 'partner' includes—

''(i) an agricultural or silvicultural producer association or other group of producers;

''(ii) a State or unit of local government, including an irrigation company and a water district and canal company; or

''(iii) a federally recognized Indian tribe.

''(2) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means a cooperative or contribution agreement entered into between the Secretary and a partner.

''(3) REGIONAL WATER CONSERVATION ACTIVITY.—The term 'regional water conservation activity' means a water conservation activity carried out on a regional or other appropriate level, as determined by the Secretary, to benefit agricultural land.

''(c) ESTABLISHMENT.—In carrying out the program under this chapter, the Secretary shall promote ground and surface water conservation—

''(1) by providing cost-share assistance and incentive payments to producers to carry out water conservation activities with respect to the agricultural operations of producers; and

''(2) by working cooperatively with partners, in accordance with subsection (d), on a regional level to benefit working agricultural land.

''(d) PARTNERSHIP AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into partnership agreements to meet the objectives of the program under this chapter.

''(2) APPLICATIONS.—An application to the Secretary to enter into an agreement under paragraph (1) shall include—

''(A) a description of—

''(i) the geographical area;

''(ii) the current conditions;

''(iii) the water conservation objectives to be achieved; and

''(iv) the expected level of participation by producers;

''(B) a description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of each partner;

''(C) a description of—

''(i) the program resources requested from the Secretary; and

''(ii) the non-Federal resources that will be leveraged by the Federal contribution; and

''(D) other such elements as the Secretary considers necessary to adequately evaluate and competitively select applications for award.

''(e) DUTIES OF THE SECRETARY.—

''(1) WATER CONSERVATION ACTIVITIES BY PRODUCERS.—The Secretary shall select water conservation projects proposed by producers according to applicable requirements under the environmental quality incentives program established under this chapter.

''(2) REGIONAL WATER CONSERVATION ACTIVITIES.—

''(A) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select the regional water conservation activities for funding under this section.

''(B) PUBLIC AVAILABILITY.—In carrying out the process, the Secretary shall make public the criteria used in evaluating applications.

''(C) PRIORITY.—The Secretary may give a higher priority to proposals from partners that—

''(i) include high percentages of agricultural land and producers in a region or other appropriate area;

''(ii) result in high levels of on-the-ground water conservation activities;

''(iii) significantly enhance agricultural activity and related economic development;

''(iv) allow for monitoring and evaluation; and

''(v) assist producers in meeting Federal, State and local regulatory requirements.

''(D) ADMINISTRATION.—The Secretary shall ensure that resources made available for regional water conservation activities under this section are delivered in accordance with applicable program rules.

''(f) EASTERN SNAKE PLAIN AQUIFER PILOT.—

''(1) IN GENERAL.—Of amounts made available under subsection (h), the Secretary shall reserve $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer Region.

''(2) APPROVAL.—The Secretary may approve regional water conservation activities under this subsection that address, in whole or in part, water quality issues.

''(g) CONSISTENCY WITH STATE LAW.—Any water conservation activity conducted under this section shall be consistent with applicable State water law.

''(h) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) LIMITATION.—None of the funds made available for regional water conservation activities under this section may be used to pay for the administrative expenses of partners.''.

SEC. 2360. ORGANIC CONVERSION.

The Food Security Act of 1985 is amended by inserting after section 1240I (16 U.S.C. 3839aa–9) the following:

''SEC. 1240J. ORGANIC CONVERSION.

''(a) DEFINITIONS.—In this section:

''(1) NATIONAL ORGANIC PROGRAM.—The term 'national organic program' means the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.).

''(2) ORGANIC SYSTEM PLAN.—The term 'organic system plan' means an organic plan approved under the national organic program.

''(b) ESTABLISHMENT.—Under the environmental quality incentives program established under this chapter, not later than 180 days after the date of enactment of this section, the Secretary shall establish a program under which the Secretary shall provide cost-share and incentive payments to producers to promote conservation practices and activities for production systems undergoing conversion on some or all of the operations of the producer to organic production in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(c) ORGANIC CONVERSION COST-SHARE AND INCENTIVE PAYMENTS.—The Secretary shall provide organic conversion cost-share and incentive payments to producers that—

''(1) are converting to organic production systems, including producers with existing certified organic production for conversion to organic production of land and livestock not previously certified organic; and

''(2) enter into contracts with the Secretary for eligible practices and activities described in subsection (d).

''(d) ELIGIBLE PRACTICES AND ACTIVITIES.—Producers may use funds made available under subsection (c) for—

''(1) practices and activities during conversion to certified organic production that—

''(A) are required by, or consistent with, an approved organic system plan; and

''(B) protect resources of concern, as identified by the Secretary;

''(2) technical services, including the costs of developing an approved organic system plan; and

''(3) such other measures as the Secretary determines to be appropriate and consistent with an approved organic system plan.

''(e) ELIGIBLE PRODUCERS.—To be eligible to receive cost-share and incentive payments under this section, a producer shall agree—

''(1) to develop and carry out conservation and environmental activities that—

''(A) are required by, or consistent with, an approved organic system plan; and

''(B) protect resources of concern, as identified by the Secretary;

''(2) to receive technical and educational assistance from the Secretary or from an organization, institute, or consultant with a cooperative agreement with the Secretary relating to—

''(A) the development of an organic system plan and the implementation of conservation practices and activities that are part of an organic system plan; or

''(B) other aspects of an organic system plan, including marketing, credit, business, and risk management plans; and

''(3) to submit annual verification by a certifying entity accredited by the Secretary to determine the compliance of the producer with organic certification requirements.

''(f) TERM.—A contract under this section shall have a term of—

''(1) not less than 3 years; and

''(2) not more than 4 years.

''(g) LIMITATIONS ON PAYMENTS.—As part of the payment limitation described in section 1240G, an individual or entity may not receive, directly or indirectly, cost-share or incentive payments under this section—

''(1) for a period of more than 4 years; or

''(2) that, in the aggregate and exclusive of technical assistance, exceed—

''(A) $20,000 per year; or

''(B) a total amount of $80,000.

''(h) TERMINATION OF CONTRACTS.—The Secretary may cancel or otherwise nullify a contract entered into under this section if the Secretary determines the producers are not pursuing organic certification.''.

SEC. 2361. CHESAPEAKE BAY WATERSHED CONSERVATION PROGRAM.

The Food Security Act of 1985 is amended by inserting after section 1240J (as added by section 2360) the following:

''SEC. 1240K. CHESAPEAKE BAY WATERSHED CONSERVATION PROGRAM.

''(a) DEFINITION OF CHESAPEAKE BAY WATERSHED.—In this section, the term 'Chesapeake Bay watershed' includes all tributaries, backwaters, and side channels (including watersheds) draining into the Chesapeake Bay.

''(b) ESTABLISHMENT.—The Secretary shall use the authorities granted under the environmental quality incentives program established under this chapter to address natural resource concerns relating to agricultural and nonindustrial private forest land in the Chesapeake Bay watershed.

''(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use $265,000,000 to carry out this section for the period of fiscal years 2008 through 2012.''.

CHAPTER 3—FARMLAND PROTECTION

Subchapter A—Farmland Protection Program

SEC. 2371. FARMLAND PROTECTION PROGRAM.

(a) DEFINITIONS.—Section 1238H of the Food Security Act of 1985 (16 U.S.C. 3838h) is amended—

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

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

''(B) any organization that—

''(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

''(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

''(iii) is—

''(I) described in paragraph (1) or (2) of section 509(a) of that Code; or

''(II) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

''(i) has prime, unique, or other productive soil;

''(ii) contains historical or archaeological resources; or

''(iii) furthers a State or local policy consistent with the purposes of the program.''; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking ''and'' at the end;

(ii) by striking clause (v) and inserting the following:

''(v) forest land that—

''(I) contributes to the economic viability of an agricultural operation; or

''(II) serves as a buffer to protect an agricultural operation from development; and

''(vi) land that is incidental to land described in clauses (i) through (v), if the incidental land is determined by the Secretary to be necessary for the efficient administration of a conservation easement.''.

(b) FARMLAND PROTECTION.—Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended—

(1) in subsection (a), by striking ''purchase conservation easements'' and all the follows through the end of the subsection and inserting ''enter into cooperative agreements with eligible entities for the eligible entities to purchase permanent conservation easements or other interests in eligible land for the purpose of protecting the agricultural use and related conservation values of the land by limiting incompatible nonagricultural uses of the land.'';

(2) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively;

(3) by inserting after subsection (a) the following:

''(b) TERMS AND CONDITIONS FOR COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall establish the terms and conditions of any cooperative agreement entered into under this subchapter under which the eligible entity shall use funds provided by the Secretary.

''(2) MINIMUM REQUIREMENTS.—A cooperative agreement shall, at a minimum—

''(A) specify the qualifications of the eligible entity to carry out the responsibilities of the eligible entity under the program, including acquisition and management policies and procedures that ensure the long-term integrity of the conservation easement protections;

''(B) subject to subparagraph (C), identify a specific project or a range of projects funded under the agreement;

''(C) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

''(D) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

''(E) allow the eligible entity flexibility to use the terms and conditions of the eligible entity for conservation easements and other purchases of interests in land, except that—

''(i) subject to clause (ii), each easement shall include a limitation on the total quantity of impervious surface of not more than—

''(I) 20 percent of the first 10 acres;

''(II) 5 percent of the next 90 acres; and

''(III) 1 percent of any additional acres; and

''(ii) the Secretary may waive a limitation under clause (i) after a determination by the Secretary that the eligible entity has in place a requirement that provides substantially-similar protection consistent with agricultural activities regarding the impervious surfaces to be allowed for any conservation easement or other interest in land purchases using funds provided under the program;

''(F) require appraisals of acquired interests in eligible land that comply with, at the option of the eligible entity—

''(i) the Uniform Standards of Professional Appraisal Practice; or

''(ii) other industry-approved standard, as determined by the Secretary; and

''(G) allow as part of the share of the eligible entity of the cost to purchase a conservation easement or other interest in eligible land described in subsection (a), that an eligible entity may include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986), from the private landowner from which the conservation easement will be purchased.

''(c) COST SHARING.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide a share of the purchase price of a conservation easement or other interest in land acquired by an eligible entity under the program.

''(2) MAXIMUM AMOUNT OF FAIR MARKET VALUE.—The Secretary shall not pay more than 50 percent of the appraised fair market value of the acquisition under this subsection.

''(3) MINIMUM SHARE BY ELIGIBLE ENTITY.—The eligible entity shall be required to provide a share of the cost under this subsection in an amount that is not less than the lesser of—

''(A) ½ of the purchase price of the acquisition;

''(B) if the landowner has made a donation of 25 percent or less of the appraised fair market value of the acquisition, an amount that, when combined with the donation, equals the amount of the payment by the Secretary; or

''(C) if the landowner has made a donation of more than 25 percent of the appraised fair market value of the acquisition, ⅓ of the purchase price of the acquisition.

''(d) PROTECTION OF FEDERAL INVESTMENT.—

''(1) IN GENERAL.—The Secretary shall ensure that the terms of an easement acquired by the eligible entity provides protection for the Federal investment through an executory limitation by the Federal Government.

''(2) RELATIONSHIP TO FEDERAL ACQUISITION OF REAL PROPERTY.—The inclusion of a Federal executory limitation described in paragraph (1) shall—

''(A) not be considered the Federal acquisition of real property; and

''(B) not trigger any Federal appraisal or other real property requirements, including the Federal standards and procedures for land acquisition.''; and

(4) in subsection (f) (as redesignated by paragraph (2)), by striking ''COST SHARING.—'' and all that follows through ''BIDDING DOWN.—'' and inserting ''BIDDING DOWN.—''.

Subchapter B—Grassland Reserve Program

SEC. 2381. GRASSLAND RESERVE PROGRAM.

Subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) is amended to read as follows:

''Subchapter C—Grassland Reserve Program

''SEC. 1238N. DEFINITIONS.

''In this subchapter:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

''(B) any organization that—

''(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

''(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

''(iii) is—

''(I) described in paragraph (1) or (2) of section 509(a) of that Code; or

''(II) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.

''(2) ELIGIBLE LAND.—The term 'eligible land' means private land that—

''(A) is grassland, rangeland, land that contains forbs, or shrub land (including improved rangeland and pastureland) for which grazing is the predominant use;

''(B) is located in an area that has been historically dominated by grassland, forbs, or shrub land, and the land potentially could provide habitat for animal or plant populations of significant ecological value if the land—

''(i) is retained in the current use of the land;

''(ii) is restored to a natural condition;

''(iii) contains historical or archeological resources;

''(iv) would further the goals and objectives of State, regional, and national fish, and wildlife conservation plans and initiatives; or

''(v) is incidental to land described in clauses (i) through (iv), if the incidental land is determined by the Secretary to be necessary for the efficient administration of an agreement or conservation easement.

''(3) PERMANENT CONSERVATION EASEMENT.—The term 'permanent conservation easement' means a conservation easement that is—

''(A) a permanent easement; or

''(B) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

''SEC. 1238O. GRASSLAND RESERVE PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish and carry out a grassland reserve program through which the Secretary shall provide payments and technical assistance to landowners to assist in restoring and conserving eligible land described in section 1238N(2).

''(b) ENROLLMENT OF LAND.—

''(1) IN GENERAL.—The Secretary may enroll eligible land in the program through—

''(A) an easement or contract described in paragraph (2); or

''(B) a cooperative agreement with an eligible entity.

''(2) OPTIONS.—Eligible land enrolled in the program shall be subject to—

''(A) a 30-year contract;

''(B) a 30-year conservation easement; or

''(C) a permanent conservation easement.

''(3) ENROLLMENT OF CONSERVATION RESERVE ACREAGE.—

''(A) IN GENERAL.—Eligible land enrolled in the conservation reserve program established under subchapter B of chapter 1 may be enrolled into permanent conservation easements under this subchapter if—

''(i) the Secretary determines that the eligible land—

''(I) is of high ecological value; and

''(II) would be under significant threat of conversion to other uses if the conservation reserve program contract were terminated; and

''(ii) the landowner agrees to the enrollment.

''(B) MAXIMUM ENROLLMENT.—The number of acres of conservation reserve program land enrolled under this paragraph in a calendar year shall not exceed the number of acres that could be funded by 10 percent of the total amount of funds available for this section for a fiscal year.

''(C) PROHIBITION ON DUPLICATE PAYMENTS.—Eligible land enrolled in the program shall no longer be eligible for payments under the conservation reserve program.

''(c) RESTORATION AGREEMENTS.—The Secretary may enter into a restoration agreement with a landowner, as determined appropriate by the Secretary.

''(d) CONSERVATION EASEMENT TITLE.—The title holder of a conservation easement obtained under this subchapter may be—

''(1) the Secretary; or

''(2) an eligible entity.

''SEC. 1238P. DUTIES.

''(a) DUTIES OF LANDOWNERS.—

''(1) IN GENERAL.—To become eligible to enroll eligible land through the grant of a conservation easement, the landowner shall—

''(A) create and record an appropriate deed restriction in accordance with applicable State law;

''(B) provide proof of clear title to the underlying fee interest in the eligible land that is subject of the conservation easement;

''(C) provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

''(D) grant the conservation easement to the Secretary or an eligible entity; and

''(E) comply with the terms of the conservation easement and any associated restoration agreement.

''(2) RESTORATION AGREEMENT.—If a restoration agreement is required by the Secretary, the landowner shall develop and implement a restoration plan.

''(b) DUTIES OF SECRETARY.—

''(1) EVALUATION OF OFFERS.—

''(A) IN GENERAL.—The Secretary shall establish criteria to evaluate and rank applications for easements and contracts under this subchapter.

''(B) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

''(i) grazing operations;

''(ii) plant and animal biodiversity;

''(iii) grassland, land that contains forbs, and shrubland under the greatest threat of conversion; and

''(iv) other considerations, as determined by the Secretary.

''(C) PRIORITY.—In evaluating offers under this subchapter, the Secretary may give priority to applications that—

''(i) include a cash contribution from the eligible entity submitting the application; or

''(ii) leverage resources from other sources.

''(2) COMPENSATION.—

''(A) IN GENERAL.—

''(i) EASEMENTS AND CONTRACTS.—In return for the granting of an easement, the Secretary shall provide to the landowner an amount that is equal to—

''(I) in the case of a permanent easement, the fair market value of the land less the grazing value of the land encumbered by the easement; and

''(II) in the case of a 30-year easement or 30-year contract, 30 percent of the fair market value of the land less the grazing value of the land for the period during which the land is encumbered by the easement.

''(ii) RESTORATION AGREEMENTS.—In making cost-share payments for restoration agreements, the Secretary shall make payments to the landowner—

''(I) in the case of a permanent easement, in an amount that is not less than 90, but not more than 100, percent of the eligible costs; and

''(II) in the case of a 30-year easement or 30-year contract, in an amount that is not less than 50, but not more than 75, percent of the eligible costs.

''(B) DELIVERY OF PAYMENTS.—

''(i) PAYMENT SCHEDULE.—Except as otherwise provided in this subchapter, payments may be provided pursuant to an easement, contract, or other agreement, in not more than 30 annual payments, and in an equal or unequal amounts, as agreed to by the Secretary and the landowner.

''(ii) PAYMENTS TO OTHERS.—If an owner that is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable after considering all the circumstances.

''(3) TECHNICAL ASSISTANCE.—If a restoration agreement is required by the Secretary, the Secretary shall provide technical assistance to comply with the terms and conditions of the restoration agreement.

''SEC. 1238Q. TERMS AND CONDITIONS.

''(a) TERMS AND CONDITIONS OF EASEMENT OR CONTRACTS.—An easement or contract under this subchapter shall—

''(1) permit—

''(A) common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality;

''(B) haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for birds in the local area that are in significant decline or are conserved in accordance with Federal or State law, as determined by the State Conservationist; and

''(C) fire presuppression, rehabilitation, and construction of fire breaks and fences (including placement of the posts necessary for fences);

''(2) prohibit—

''(A) the production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that is inconsistent with maintaining grazing land; and

''(B) except as permitted under a restoration plan, the conduct of any other activity that would be inconsistent with maintaining grazing land covered by the easement or agreement; and

''(3) include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the administration of this subchapter.

''(b) TERMS AND CONDITIONS OF COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall establish the terms and conditions of any cooperative agreement entered into under this subchapter under which the eligible entity shall use funds provided by the Secretary.

''(2) MINIMUM REQUIREMENTS.—A cooperative agreement shall, at a minimum—

''(A) specify the qualification of the eligible entity to carry out the responsibilities of the eligible entity under the program, including acquisition, monitoring, enforcement, and management policies and procedures that ensure the long-term integrity of the conservation easement protections;

''(B) subject to subparagraph (C), identify a specific project or a range of projects funded under the agreement;

''(C) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

''(D) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

''(E) allow the eligible entity flexibility to develop and use terms and conditions for conservation easements and other purchases of interest in eligible land, if the Secretary finds the terms and conditions consistent with the purposes of the program and adequate to achieve and permit effective enforcement of the conservation purposes of the conservation easements or other interests;

''(F) require appraisals of acquired interests in eligible land that comply with a method approved by industry;

''(G) if applicable, allow as part of the share of the eligible entity of the cost to purchase a conservation easement or other interest in eligible land described in section 1238O(b), that an eligible entity may include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986), from the private landowner for which the conservation easement will be purchased; and

''(H) provide for a schedule of payments to an eligible entity, as agreed to by the Secretary and the eligible entity, over a term of not to exceed 30 years.

''(3) PROTECTION OF FEDERAL INVESTMENT.—

''(A) IN GENERAL.—The Secretary shall ensure that the terms of an easement acquired by the eligible entity provides protection for the Federal investment through an executory limitation by the Federal government.

''(B) RELATIONSHIP TO FEDERAL ACQUISITION OF REAL PROPERTY.—The inclusion of an executory limitation described in subparagraph (A) shall—

''(i) not be considered the Federal acquisition of real property; and

''(ii) not trigger any Federal appraisal or other real property requirements, including the Federal standards and procedures for land acquisition.

''(C) TERMS OF RESTORATION AGREEMENT.—A restoration agreement shall contain—

''(i) a statement of the conservation measures and practices that will be undertaken in regard to the eligible land subject to the conservation easement;

''(ii) restrictions on the use of the eligible land subject to the conservation easement; and

''(iii) a statement of the respective duties of the Secretary, landowner, and eligible entity, as appropriate.

''(c) VIOLATION.—If a violation occurs of the terms or conditions of a conservation easement, contract, cooperative agreement or restoration agreement entered into under this section—

''(1) the conservation easement, contract, cooperative agreement, or restoration agreement shall remain in force; and

''(2) the Secretary may require the owner or entity to refund all or part of any payments received by the owner under this subchapter, with interest on the payments as determined appropriate by the Secretary.''.

CHAPTER 4—OTHER CONSERVATION PROGRAMS

SEC. 2391. CONSERVATION SECURITY PROGRAM.

Subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 is amended by adding after section 1238C (16 U.S.C. 3838c) the following:

''SEC. 1238D. PERIOD OF EFFECTIVENESS.

''(a) IN GENERAL.—This subchapter, and the terms and conditions of the conservation security program, shall continue to apply to conservation security contracts entered into as of the date before the date of enactment of this section.

''(b) PAYMENTS.—The Secretary shall make payments under this subchapter with respect to conservation security contracts described in subsection (a) during the term of the contracts.

''(c) PROHIBITION ON NEW CONTRACTS.—A conservation security contract may not be entered into or renewed under this subchapter as of the date of enactment of this section.

''(d) LIMITATION.—A contract described in subsection (a) may not be administered under the regulations issued under section 1240Y.''.

SEC. 2392. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2393. REAUTHORIZATION OF WILDLIFE HABITAT INCENTIVE PROGRAM.

Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''COST-SHARE'';

(B) in paragraph (1), by inserting ''and incentive'' after ''cost-share''; and

(C) in paragraph (2)(B), by striking ''15 percent'' and inserting ''25 percent''; and

(2) by adding at the end the following:

''(d) FISH AND WILDLIFE CONSERVATION PLANS AND INITIATIVES.—In carrying out this section, the Secretary shall give priority to projects that would further the goals and objectives of State, regional, and national fish and wildlife conservation plans and initiatives.

''(e) DURATION OF PROGRAM.—Using funds made available under section 1241(a)(7), the Secretary shall carry out the program during each of fiscal years 2008 through 2012.''.

SEC. 2394. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 2395. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P(c) of the Food Security Act of 1985 (16 U.S.C. 3839bb–3(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2396. FARM VIABILITY PROGRAM.

Section 1238J(b) of the Food Security Act of 1985 (16 U.S.C. 3838j(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2397. DISCOVERY WATERSHED DEMONSTRATION PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by adding at the end the following:

''SEC. 1240Q. DISCOVERY WATERSHED DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish and carry out a demonstration program in not less than 30 small watersheds in States of the Upper Mississippi River basin to identify and promote the most cost-effective and efficient approaches to reducing the loss of nutrients to surface waters.

''(b) PURPOSE.—The demonstration program shall demonstrate in small watersheds performance-based and market-based approaches—

''(1) to reduce the loss of nutrients to surface waters from agricultural land; and

''(2) to monitor the cost-effectiveness of management practices designed to reduce the loss of nutrients to surface waters from agricultural land.

''(c) PARTNERSHIPS.—In carrying out this section, the Secretary may establish or identify, as appropriate, partnerships to select the watersheds and to encourage cooperative effort among the Secretary and State, local, and nongovernmental organizations.

''(d) SELECTION OF SMALL WATERSHEDS.—In selecting small watersheds for participation in the program, the Secretary shall consider the extent to which—

''(1) reducing nutrient losses to surface water in the small watershed would be likely to result in measurable improvements in water quality in the small watershed;

''(2) a demonstration project would use innovative approaches to attract a high level of producer participation in the small watershed to ensure success;

''(3) a demonstration project could be implemented through a third party, including a producer organization, farmer cooperative, conservation district, water utility, agency of State or local government, conservation organization, or other organization with appropriate expertise;

''(4) a demonstration project would leverage funding from State, local, and private sources;

''(5) a demonstration project would demonstrate market-based approaches to nutrient losses to surface waters;

''(6) baseline data related to water quality and agricultural practices and contributions from nonagricultural sources as relevant in the small watershed has been collected or could be readily collected; and

''(7) water quality monitoring infrastructure is in place or could reasonably be put in place in the small watershed.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—Funding provided for the program under subsection(f) shall be used in not less than 30 small watersheds—

''(A) to provide technical assistance;

''(B) to provide and assess financial incentives to agricultural producers implementing conservation practices that reduce nutrient losses to surface waters;

''(C) to monitor the performance and costs of alternative nutrient management techniques, including soil tests, stalk tests, cover crops, soil amendments, buffers, and tillage practices; and

''(D) to share the cost of data collection, monitoring, and analysis.

''(2) PROHIBITION.—None of the funds made available to carry out the program for each fiscal year may be used for administrative expenses.

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

SEC. 2398. EMERGENCY LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2386) is amended by adding at the end the following:

''SEC. 1240R. EMERGENCY LANDSCAPE RESTORATION PROGRAM.

''(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term 'eligible recipient' means—

''(1) an organization that is eligible for technical assistance and cost-share payments under this section and assists working agricultural land and nonindustrial private forest land, including—

''(A) a community-based association; and

''(B) a city, county, or regional government, including a watershed council and a conservation district; and

''(2) an individual who is eligible for technical assistance and cost-share payments under this section, including—

''(A) a producer;

''(B) a rancher;

''(C) an operator;

''(D) a nonindustrial private forest landowner; and

''(E) a landlord on working agricultural land.

''(b) PURPOSE.—The purpose of the emergency landscape restoration program is to rehabilitate watersheds, nonindustrial private forest land, and working agricultural land adversely affected by natural catastrophic events, by—

''(1) providing a source of assistance for restoration of the land back to a productive state;

''(2) preventing further impairment of land and water, including prevention through the purchase of floodplain easements; and

''(3) providing further protection of natural resources.

''(c) ESTABLISHMENT.—The Secretary, acting through the Natural Resources Conservation Service, shall carry out an emergency landscape restoration program under which technical assistance and cost-share payments are made available to eligible recipients to carry out remedial activities to restore landscapes damaged by—

''(1) fire;

''(2) drought;

''(3) flood;

''(4) hurricane force or excessive winds;

''(5) ice storms or blizzards; or

''(6) other resource-impacting natural events, as determined by the Secretary.

''(d) PRIORITIZATION.—The Secretary shall provide the highest priority for those activities that protect human health and safety.

''(e) TECHNICAL ASSISTANCE AND COST-SHARE PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance and cost-share payments in amounts of up to 75 percent of the cost of remedial activities described in paragraph (2) to rehabilitate watersheds, nonindustrial private forest land, and working agricultural land.

''(2) REMEDIAL ACTIVITIES.—Remedial activities that are eligible for technical assistance and cost-share payments under this section include—

''(A) removal of debris from streams, agricultural land, and nonindustrial forest land, including—

''(i) the restoration of natural hydrology; and

''(ii) the removal of barriers for aquatic species;;

''(B) restoration of destabilized streambanks;

''(C) establishment of cover on critically eroding land;

''(D) restoration of fences;

''(E) construction of conservation structures;

''(F) provision of water for livestock in drought situations;

''(G) rehabilitation of farm or ranch land;

''(H) restoration of damaged nonindustrial private forest land, including—

''(i) the removal of damaged standing trees and downed timber; and

''(ii) site preparation, tree planting, direct seeding, and firebreaks;

''(I) the carrying out of emergency water conservation measures;

''(J) restoration of wildlife habitat and corridors;

''(K) livestock carcass removal and disposal; and

''(L) such other remedial activities as are determined by the Secretary.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012, to remain available until expended.

''(g) TEMPORARY ADMINISTRATION OF EMERGENCY LANDSCAPE RESTORATION PROGRAM.—

''(1) IN GENERAL.—During the period beginning on the date of enactment of this section and ending on the termination date described in paragraph (2), to ensure that technical assistance, cost-share payments, and other payments continue to be administered in an orderly manner until the date on which final regulations are promulgated to implement the emergency landscape restoration program, the Secretary shall, to the extent the terms and conditions of the programs described in clauses (i) and (ii) of subparagraph (A) are consistent with the emergency landscape restoration program, continue to—

''(A) provide technical assistance, cost-share payments, and other payments under the terms and conditions of—

''(i) the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.); and

''(ii) the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203); and

''(B) use for those purposes—

''(i) any funds made available under those programs; and

''(ii) as the Secretary determines to be necessary, any funds made available to carry out the emergency landscape restoration program.

''(2) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out paragraph (1) shall terminate on the effective date of final regulations to implement the emergency landscape restoration program.''.

(b) CONFORMING AMENDMENTS.—

(1) Effective on the effective date of final regulations to implement the emergency landscape restoration program under section 1240R of the Food Security Act of 1985 (as

added by subsection (a)), title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is repealed.

(2) Section 1211(a)(3)(C) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(3)(C)) is amended by inserting ''section 1240R or'' after ''a payment under''.

(3) Section 1221(b)(3)(C) of the Food Security Act of 1985 (16 U.S.C. 3821(b)(3)(C)) is amended by inserting ''section 1240R or'' after ''A payment under''.

SEC. 2399. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2387(a)) is amended by adding at the end the following:

''SEC. 1240S. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

''(b) APPLICATIONS.—In submitting applications for a grant under the program, a State or tribal government shall describe—

''(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

''(A) hunting and fishing; and

''(B) to the maximum extent practicable, other recreational purposes; and

''(2) the methods that will be used to achieve those benefits.

''(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

''(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

''(2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

''(3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in section 1234(f)(3) by providing incentives to increase public hunting and other recreational access on that land;

''(4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and

''(5) to make available to the public the location of land enrolled.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law (including any State or tribal government liability law).

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

SEC. 2399A. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

''SEC. 1240S–1. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service, shall establish a migratory bird habitat conservation program under which the Secretary shall provide payments and technical assistance to rice producers to promote the conservation of migratory bird habitat.

''(b) ELIGIBILITY.—To be eligible for payments and technical assistance under this section, an eligible producer shall maintain on rice acreage of the producer (as determined by the Secretary)—

''(1) straw residue on a minimum of 50 percent of the rice acreage by flooding, rolling, or stomping, and maintaining, water depths of at least 4 inches from November through February in a manner that benefits migratory waterfowl; or

''(2) if supplemental water is not available, planting a winter cover crop (such as vetch) on the rice acreage.

''(c) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) enroll not more than 100,000 acres of irrigated rice; and

''(2) provide payments to a participating rice producer for the value of the ecological benefit, but not less than $25 per acre.

''(d) REVIEW.—In cooperation with a national, State, or regional association of rice producers, the Secretary shall periodically review—

''(1) the value of the ecological benefit of practices for which assistance is provided under this section on a per acre basis; and

''(2) the practices for which assistance is provided under this section to maximize the wildlife benefit to migratory bird populations on land in rice production.

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $13,000,000 for the period of fiscal years 2008 through 2012.''.

Subtitle E—Funding and Administration

SEC. 2401. FUNDING AND ADMINISTRATION.

Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''2007'' and inserting ''2012''; and

(2) by striking paragraphs (3) through (7) and inserting the following:

''(3) The conservation security program under subchapter A of chapter 2, using $2,317,000,000 to administer contracts entered into as of the day before the date of enactment of the Food and Energy Security Act of 2007, to remain available until expended.

''(4) The conservation stewardship program under subchapter B of chapter 6.

''(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, $120,000,000 for each of fiscal years 2008 through 2012.

''(6) The grassland reserve program under subchapter C of chapter 2, using, to the maximum extent practicable, $400,000,000 for the period of fiscal years 2008 through 2012.

''(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

''(A) $1,410,000,000 for each of fiscal years 2008 and 2009; and

''(B) $1,420,000,000 for each of fiscal years 2010 through 2012.

''(8) The wildlife habitat incentives program under section 1240N, using, to the maximum extent practicable, $100,000,000 for each of fiscal years 2008 through 2012.

''(9) The voluntary public access program under section 1240S, using, to the maximum extent practicable, $20,000,000 in each of fiscal years 2008 through 2012.''.

SEC. 2402. REGIONAL EQUITY.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (d) and inserting the following:

''(d) REGIONAL EQUITY.—

''(1) IN GENERAL.—Before April 1 of each fiscal year, the Secretary shall give priority for funding under the conservation programs under subtitle D and the agricultural management assistance program under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) (excluding the conservation reserve program under subchapter B of chapter 1 and the wetlands reserve program under subchapter C of chapter 1) to approved applications in any State that has not received, for the fiscal year, an aggregate amount of at least $15,000,000 for those conservation programs.

''(e) SPECIFIC FUNDING ALLOCATIONS.—In determining the specific funding allocations for each State under paragraph (1), the Secretary shall consider the respective demand for each program in each State.

''(f) ALLOCATIONS REVIEW AND UPDATE.—

''(1) REVIEW.—Not later than January 1, 2012, the Secretary shall conduct a review of conservation program allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

''(2) UPDATE.—The Secretary shall improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation programs.''.

SEC. 2403. CONSERVATION ACCESS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as amended by section 2402) is amended by adding at the end the following:

''(g) CONSERVATION ACCESS.—

''(1) ASSISTANCE TO ELIGIBLE FARMERS OR RANCHERS.—

''(A) DEFINITION OF ELIGIBLE FARMER OR RANCHER.—In this paragraph, the term 'eligible farmer or rancher' means a farmer or rancher that, as determined by the Secretary—

''(i) derives or expects to derive more than 50 percent of the annual income of the farmer or rancher from agriculture (not including payments under the conservation reserve program established under subchapter B of chapter 1 of subtitle D); and

''(ii) is—

''(I) a beginning farmer or rancher (as defined in section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991)), except that in determining whether the farmer or rancher qualifies as a beginning farmer or rancher, the Secretary may—

''(aa) employ a fair and reasonable test of net worth; and

''(bb) use such other criteria as the Secretary determines to be appropriate; or

''(II) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

''(B) ASSISTANCE.—In the case of each program described in subsection (a), except as provided in paragraph (2), for each fiscal year in which funding is made available for the program, 10 percent of the funds available for the fiscal year shall be used by the Secretary to assist eligible farmers or ranchers.

''(2) ACREAGE PROGRAMS.—In the case of the conservation reserve and wetlands reserve programs, 10 percent of the acreage authorized to be enrolled in any fiscal year shall be used to assist eligible farmers or ranchers.

''(3) REPOOLING.—In any fiscal year, amounts not obligated under this subsection by a date determined by the Secretary shall be available for payments and technical assistance to all persons eligible for payments or technical assistance in that fiscal year under the program for which the amounts were originally made available under this title.

''(4) CONSERVATION INNOVATION GRANTS.—Funding under paragraph (1) for conservation innovation grants under section 1240H may, in addition to purposes described in subsection (b) of that section, be used for—

''(A) technology transfer;

''(B) farmer-to-farmer workshops; and

''(C) demonstrations of innovative conservation practices.

''(5) TECHNICAL ASSISTANCE.—The Secretary shall offer, to the maximum extent practicable, higher levels of technical assistance to beginning farmers or ranchers and socially disadvantaged farmers or ranchers than are otherwise made available to producers participating in programs under this title.

''(6) COOPERATIVE AGREEMENTS.—The Secretary may develop and implement cooperative agreements with entities (including government agencies, extension entities, nongovernmental and community-based organizations, and educational institutions) with expertise in addressing the needs of beginning farmers or ranchers and socially disadvantaged farmers or ranchers to provide technical assistance, comprehensive conservation planning education, and sustainable agriculture training.''.

SEC. 2404. DELIVERY OF TECHNICAL ASSISTANCE.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended to read as follows:

''SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.

''(a) DEFINITION OF ELIGIBLE PARTICIPANT.—In this section, the term 'eligible participant' means—

''(1) an agricultural producer;

''(2) an eligible entity;

''(3) an eligible landowner; and

''(4) an interested organization.

''(b) PURPOSE.—The purpose of technical assistance authorized by this title is to provide eligible participants with consistent, science-based, site-specific practices designed to achieve conservation objectives on land active in agricultural, forestry, or related uses.

''(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance under this title to an eligible participant—

''(1) directly;

''(2) through a contract or agreement with a third-party provider; or

''(3) at the option of the eligible participant, through a payment, as determined by the Secretary, to the eligible participant for an approved third-party provider, if available.

''(d) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

''(1) IN GENERAL.—The Secretary shall continue to carry out the technical service provider program established under regulations promulgated under subsection (b)(1) (as in existence on the day before the date of enactment of this subsection).

''(2) PURPOSE.—The purpose of the technical service provider program shall be to increase the availability and range of technical expertise available to farmers, ranchers, and eligible landowners to plan and implement conservation measures.

''(3) EXPERTISE.—In promulgating regulations to carry out this subsection, the Secretary shall—

''(A) ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, and environmental engineering (including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies) are eligible to become approved providers of the technical assistance; and

''(B) to the maximum extent practicable—

''(i) provide national criteria for the certification of technical service providers; and

''(ii) approve any unique certification standards established at the State level.

''(4) SYSTEM ADMINISTRATION.—

''(A) FUNDING.—Effective for fiscal year 2008 and each subsequent fiscal year, funds of the Commodity Credit Corporation that are made available to carry out each of the programs specified in section 1241 shall be available for the provision of technical assistance from third-party providers under this section.

''(B) CONTRACT TERM.—A contract under this section shall have a term that—

''(i) at a minimum, is equal to the period—

''(I) beginning on the date on which the contract is entered into; and

''(II) ending on the date that is 1 year after the date on which all activities in the contract have been completed;

''(ii) does not exceed 3 years; and

''(iii) can be renewed, as determined by the Secretary.

''(C) REVIEW OF CERTIFICATION REQUIREMENTS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) review certification requirements for third-party providers; and

''(ii) make any adjustments considered necessary by the Secretary to improve participation.

''(D) ELIGIBLE ACTIVITIES.—The Secretary may include in activities eligible for payment to a third-party provider—

''(i) education and outreach to eligible participants; and

''(ii) administrative services necessary to support conservation program implementation.

''(e) AVAILABILITY OF TECHNICAL SERVICES.—

''(1) AVAILABILITY.—

''(A) IN GENERAL.—In carrying out the programs under this title and the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524), the Secretary shall make technical services available to all eligible participants who are installing an eligible practice.

''(B) TECHNICAL SERVICE CONTRACTS.—In any case in which financial assistance is not requested or is not provided under subparagraph (A), the Secretary may enter into a technical service contract with the applicable eligible participant for the purposes of assisting in the planning, design, or installation of an eligible practice.

''(2) REVIEW OF CONSERVATION PRACTICE STANDARDS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) review conservation practice standards, including engineering design specifications, in effect on the date of enactment of this subsection;

''(ii) ensure, to the maximum extent practicable, the completeness and relevance of the standards to local agricultural, forestry, and natural resource needs, including specialty crops, native and managed pollinators, bioenergy crop production, forestry, and such other needs as are determined by the Secretary; and

''(iii) ensure that the standards provide for the optimal balance between meeting site-specific conservation needs and minimizing risks of design failure and associated costs of construction and installation.

''(B) CONSULTATION.—In conducting the assessment under subparagraph (A), the Secretary shall consult with agricultural producers, crop consultants, cooperative extension and land grant universities, nongovernmental organizations, and other qualified entities.

''(C) EXPEDITED REVISION OF STANDARDS.—If the Secretary determines under subparagraph (A) that revisions to the conservation practice standards, including engineering design specifications, are necessary, the Secretary shall establish an administrative process for expediting the revisions.

''(3) ADDRESSING CONCERNS OF SPECIALITY CROP, ORGANIC, AND PRECISION AGRICULTURE PRODUCERS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) to the maximum extent practicable, fully incorporate specialty crop production, organic crop production, and precision agriculture into the conservation practice standards; and

''(ii) provide for the appropriate range of conservation practices and resource mitigation measures available to specialty crop, organic, and precision agriculture producers.

''(B) AVAILABILITY OF ADEQUATE TECHNICAL ASSISTANCE.—

''(i) IN GENERAL.—The Secretary shall ensure that adequate technical assistance is available for the implementation of conservation practices by specialty crop, organic, and precision agriculture producers through Federal conservation programs.

''(ii) REQUIREMENTS.—In carrying out clause (i), the Secretary shall develop—

''(I) programs that meet specific needs of specialty crop, organic, and precision agriculture producers through cooperative agreements with other agencies and nongovernmental organizations; and

''(II) program specifications that allow for innovative approaches to engage local resources in providing technical assistance for planning and implementation of conservation practices.''.

SEC. 2405. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

(a) STREAMLINED APPLICATION PROCESS.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) STREAMLINED APPLICATION PROCESS.—

''(1) IN GENERAL.—In carrying out each conservation program under this title, the Secretary shall ensure that the application process used by producers and landowners is streamlined to minimize complexity and eliminate redundancy.

''(2) REVIEW AND STREAMLINING.—

''(A) REVIEW.—The Secretary shall carry out a review of the application forms and processes for each conservation program covered by this subsection.

''(B) STREAMLINING.—On completion of the review the Secretary shall revise application forms and processes, as necessary, to ensure that—

''(i) all required application information is essential for the efficient, effective, and accountable implementation of conservation programs;

''(ii) conservation program applicants are not required to provide information that is readily available to the Secretary through existing information systems of the Department of Agriculture;

''(iii) information provided by the applicant is managed and delivered efficiently for use in all stages of the application process, or for multiple applications; and

''(iv) information technology is used effectively to minimize data and information input requirements.

''(3) IMPLEMENTATION AND NOTIFICATION.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall submit to Congress a written notification of completion of the requirements of this subsection.''.

(b) ADMINISTRATION.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) (as amended by subsection (a)) is amended by adding at the end the following:

''(d) COOPERATION REGARDING PROTECTION.—In the case of a landowner who enrolls

land in a conservation program authorized under this title that results in a net conservation benefit for a listed, candidate, or other species, the Secretary shall cooperate at the request of the landowner with the Secretary of the Interior and the Secretary of Commerce, as appropriate, to make available to the landowner safe harbor or similar assurances and protections under sections 7(b)(4) and 10(a), as applicable, of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4), 1539(a)).

''(e) ELIGIBILITY OF PRODUCER ORGANIZATIONS.—

''(1) IN GENERAL.—In carrying out a conservation program administered by the Secretary, the Secretary shall accept applications from, and shall provide cost-share and incentive payments and other assistance to, producers who elect to apply through an organization that represents producers and of which producers make up a majority of the governing body, if the Secretary determines that—

''(A) the full objective of the proposed activity, practice, or plan cannot be realized without the participation of all or substantially all of the producers in the affected area; and

''(B) the benefits achieved through the proposed activity, practice, or plan are likely to be greater and to be delivered more cost-effectively if provided through a single organization with related conservation expertise and management experience.

''(2) LIMITATION.—Any applicable payment limitation shall apply to each participating producer and not to the organization described in paragraph (1).

''(f) PARTNERSHIPS AND COOPERATION.—

''(1) IN GENERAL.—In carrying out a program under subtitle D, the Secretary may designate special projects, as recommended if appropriate by the State Executive Director of the Conservationist, after consultation with the State technical committee, to enhance assistance provided to multiple producers to address conservation issues relating to agricultural and nonindustrial private forest management and production.

''(2) PURPOSES.—The purposes of special projects carried out under this subsection shall be to achieve statewide or regional conservation objectives by—

''(A) encouraging producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural operations;

''(B) encouraging producers to cooperate in meeting applicable Federal, State, and local regulatory requirements regarding natural resources and the environment;

''(C) encouraging producers to share information and technical and financial resources;

''(D) facilitating cumulative conservation benefits in geographic areas; and

''(E) promoting the development and demonstration of innovative conservation methods.

''(3) ELIGIBLE PARTNERS.—State and local government entities (including irrigation and water districts and canal companies), Indian tribes, farmer cooperatives, institutions of higher education, nongovernmental organizations, and producer associations shall be eligible to apply under this subsection.

''(4) SPECIAL PROJECT APPLICATION.—To apply for designation under paragraph (1), partners shall submit an application to the Secretary that includes—

''(A) a description of the geographic area, the current conditions, the conservation objectives to be achieved through the special project, and the expected level of participation by agricultural and nonindustrial private forest landowners;

''(B) a description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of the partners;

''(C) a description of the program resources requested from the Secretary, in relevant units, and the non-Federal resources that will be leveraged by the Federal contribution; and

''(D) such other information as the Secretary considers necessary.

''(5) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall enter into multiyear agreements with partners to facilitate the delivery of conservation program resources in a manner to achieve the purposes described in paragraph (2).

''(B) PROJECT SELECTION.—

''(i) IN GENERAL.—The Secretary shall conduct a competitive process to select projects funded under this subsection.

''(ii) FACTORS CONSIDERED.—In conducting the process described in clause (i), the Secretary shall make public factors to be considered in evaluating applications.

''(iii) PRIORITY.—The Secretary may give priority to applications based on the highest percentage of—

''(I) producers involved;

''(II) on-the-ground conservation to be implemented;

''(III) non-Federal resources to be leveraged; and

''(IV) other factors, as determined by the Secretary.

''(C) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary and partners shall provide appropriate technical and financial assistance to producers participating in a special project in an amount determined by the Secretary to be necessary to achieve the purposes described in paragraph (2).

''(D) FLEXIBILITY.—The Secretary may adjust elements of the programs under this title to better reflect unique local circumstances and purposes, if the Secretary determines that such adjustments are necessary to achieve the purposes of this subsection.

''(E) ADMINISTRATION.—

''(i) IN GENERAL.—The Secretary shall ensure that resources made available under this subsection are delivered in accordance with applicable program rules.

''(ii) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements beyond applicable program rules in order to effectively implement this subsection.

''(6) SPECIAL RULES APPLICABLE TO REGIONAL WATER ENHANCEMENT PROJECTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PARTNER.—The term 'eligible partner' means—

''(I) an eligible partner identified in paragraph (3); and

''(II) a water or wastewater agency of a State.

''(ii) ELIGIBLE PROJECT.—

''(I) IN GENERAL.—The term 'eligible project' means a project that is specifically targeted to improve water quality or quantity in an area.

''(II) INCLUSIONS.—The term 'eligible project' includes a project that involves—

''(aa) resource condition assessment and modeling;

''(bb) water quality, water quantity, or water conservation plan development;

''(cc) management system and environmental monitoring and evaluation;

''(dd) cost-share restoration or enhancement;

''(ee) incentive payments for land management practices;

''(ff) easement purchases;

''(gg) conservation contracts with landowners;

''(hh) improved irrigation systems;

''(ii) water banking and other forms of water transactions;

''(jj) groundwater recharge;

''(kk) stormwater capture; and

''(ll) other water-related activities that the Secretary determines will help to achieve the water quality or water quantity benefits identified in the agreement in subparagraph (E) on land described in paragraph (1).

''(B) REGIONAL WATER ENHANCEMENT PROCEDURES.—With respect to proposals for eligible projects by eligible partners, the Secretary shall establish specific procedures (to be known collectively as 'regional water enhancement procedures') in accordance with this paragraph.

''(C) MEANS.—Regional water enhancement activities in a particular region shall be carried out through a combination of—

''(i) multiyear agreements between the Secretary and eligible partners;

''(ii) other regional water enhancement activities carried out by the Secretary; and

''(iii) regional water enhancement activities carried out by eligible partners through other means.

''(D) MULTIYEAR AGREEMENTS WITH ELIGIBLE PARTNERS.—

''(i) SOLICITATION OF PROPOSALS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall invite prospective eligible partners to submit proposals for regional water enhancement projects.

''(ii) ELEMENTS OF PROPOSALS.—To be eligible for consideration for participation in the program, a proposal submitted by an eligible partner shall include—

''(I) identification of the exact geographic area for which the partnership is proposed, which may be based on—

''(aa) a watershed (or portion of a watershed);

''(bb) an irrigation, water, or drainage district;

''(cc) the service area of an irrigation water delivery entity; or

''(dd) some other geographic area with characteristics that make the area suitable for landscape-wide program implementation;

''(II) identification of the water quality or water quantity issues that are of concern in the area;

''(III) a method for determining a baseline assessment of water quality, water quantity, and other related resource conditions in the region;

''(IV) a detailed description of the proposed water quality or water quantity improvement activities to be undertaken in the area, including an estimated timeline and program resources for every activity; and

''(V) a description of the performance measures to be used to gauge the effectiveness of the water quality or water quantity improvement activities.

''(iii) SELECTION OF PROPOSALS.—The Secretary shall award multiyear agreements competitively, with priority given, as determined by the Secretary, to selecting proposals that—

''(I) have the highest likelihood of improving the water quality or quantity issues of concern for the area;

''(II) involve multiple stakeholders and will ensure the highest level of participation by producers and landowners in the area through performance incentives to encourage adoption of specific practices in specific locations;

''(III) will result in the inclusion of the highest percentage of working agricultural land in the area;

''(IV) will result in the highest percentage of on-the-ground activities as compared to administrative costs;

''(V) will provide the greatest contribution to sustaining or enhancing agricultural or silvicultural production in the area; and

''(VI) include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

''(iv) DURATION.—

''(I) IN GENERAL.—Multiyear agreements under this subsection shall be for a period not to exceed 5 years.

''(II) EARLY TERMINATION.—The Secretary may terminate a multiyear agreement before the end of the agreement if the Secretary determines that performance measures are not being met.

''(E) AGREEMENTS.—Not later than 30 days after the date on which the Secretary awards an agreement under subparagraph (D), the Secretary shall enter into an agreement with the eligible partner that, at a minimum, contains—

''(i) a description of the respective duties and responsibilities of the Secretary and the eligible partner in carrying out the activities in the area; and

''(ii) the criteria that the Secretary will use to evaluate the overall effectiveness of the regional water enhancement activities funded by the multiyear agreement in improving the water quality or quantity conditions of the region relative to the performance measures in the proposal.

''(F) CONTRACTS WITH OTHER PARTIES.—An agreement awarded under subparagraph (D) may provide for the use of third-party providers (including other eligible partners) to undertake specific regional water enhancement activities in a region on a contractual basis with the Secretary or the eligible partner.

''(G) CONSULTATION WITH OTHER AGENCIES.—With respect to areas in which a Federal or State agency is, or will be, undertaking other water quality or quantity-related activities, the Secretary and the eligible partner may consult with the Federal or State agency in order to—

''(i) coordinate activities;

''(ii) avoid duplication; and

''(iii) ensure that water quality or quantity improvements attributable to the other activities are taken into account in the evaluation of the Secretary under subparagraph (E)(ii).

''(H) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary shall ensure that, to the extent that producers and landowners are individually participating in other programs under subtitle D in a region in which a regional water enhancement project is in effect, any improvements to water quality or water quantity attributable to the individual participation are included in the evaluation criteria developed under subparagraph (E)(ii).

''(I) CONSISTENCY WITH STATE LAW.—Any water quality or water quantity improvement activity undertaken under this paragraph shall be consistent with State water laws.

''(7) FUNDING.—

''(A) IN GENERAL.—The Secretary shall use not more than 5 percent of the funds made available for conservation programs under subtitle D for each fiscal year under section 1241(a) to carry out activities that are authorized under this subsection.

''(B) PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through this subsection.

''(C) UNUSED FUNDING.—Any funds made available for a fiscal year under subparagraph (A) that are not obligated by April 1 of the fiscal year may be used to carry out other activities under conservation programs under subtitle D during the fiscal year in which the funding becomes available.

''(g) ACCURACY OF PAYMENTS.—Immediately after the date of enactment of this subsection, the Secretary shall implement policies and procedures to ensure proper payment of farm program benefits to producers participating in conservation easement programs and correct other management deficiencies identified in Report No. 50099–11–SF issued by the Department of Agriculture Office of Inspector General in August 2007.

''(h) COMPLIANCE AND PERFORMANCE.—For each conservation program under this title, the Secretary shall develop procedures—

''(1) to monitor compliance with program requirements by landowners and eligible entities;

''(2) to measure program performance;

''(3) to demonstrate whether the long-term conservation benefits of the program are being achieved; and

''(4) to coordinate activities described in this subsection with the national conservation program authorized under section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004).

''(i) DIRECT ATTRIBUTION OF PAYMENTS.—In implementing payment limitations for any program under this title, the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to an individual by taking into account the direct and indirect ownership interests of the individual in an entity that is eligible to receive the payments.''.

(c) CONFORMING AMENDMENTS.—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended—

(1) in subsection (d)(3)(B), by striking ''(f)(4)'' and inserting ''(f)(3)''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''The total'' and inserting ''Subject to section 1244(i), the total''; and

(ii) by striking ''a person'' and inserting ''an individual'';

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 2406. CONSERVATION PROGRAMS IN ENVIRONMENTAL SERVICES MARKETS.

Subtitle E of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following:

''SEC. 1245. CONSERVATION PROGRAMS IN ENVIRONMENTAL SERVICES MARKETS.

''(a) FRAMEWORK.—

''(1) IN GENERAL.—The Secretary shall establish a framework to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets.

''(2) PROCESS.—In carrying out paragraph (1), the Secretary shall use a collaborative process that includes representatives of—

''(A) farm, ranch, and forestry interests;

''(B) financial institutions involved in environmental services trading;

''(C) institutions of higher education with relevant expertise or experience;

''(D) nongovernmental organizations with relevant expertise or experience;

''(E) government agencies of relevant jurisdiction, including—

''(i) the Department of Commerce;

''(ii) the Department of Energy;

''(iii) the Department of the Interior;

''(iv) the Department of Transportation;

''(v) the Environmental Protection Agency; and

''(vi) the Corps of Engineers; and

''(F) other appropriate interests, as determined by the Secretary.

''(3) REQUIREMENTS.—

''(A) DEFINITION OF STANDARD.—In this paragraph, the term 'standard' means a technical guideline that outlines accepted, science-based methods to quantify the environmental services benefits from agricultural and forest conservation and land management practices, as determined by the Secretary.

''(B) FRAMEWORK REQUIREMENTS.—In establishing the framework under paragraph (1), the Secretary shall—

''(i) establish uniform standards;

''(ii) design accounting procedures to quantify environmental services benefits that would assist farmers, ranchers, and forest landowners in using the uniform standards to establish certifications, as defined in emerging environmental services markets;

''(iii) establish—

''(I) a protocol to report environmental services benefits; and

''(II) a registry to report and maintain the benefits for future use in emerging environmental services markets; and

''(iv) establish a process to verify that a farmer, rancher, or forest landowner that reports and maintains an environmental services benefit in the registry described in clause (iii)(II) has implemented the reported conservation or land management activity.

''(C) THIRD-PARTY SERVICE PROVIDERS.—In developing the process described in subparagraph (B)(iv), the Secretary shall consider the role of third-party service providers.

''(4) COORDINATION.—The Secretary shall coordinate and leverage activities in existence on the date of enactment of this section in agriculture and forestry relating to emerging environmental services markets.

''(5) PRIORITY.—In establishing the framework under this subsection, the Secretary shall give priority to providing assistance to farmers, ranchers, and forest landowners participating in carbon markets.

''(b) AUTHORITY TO DELEGATE.—The Secretary may delegate any responsibility under this section to a relevant agency or office, as determined by the Secretary.

''(c) REPORTS TO CONGRESS.—

''(1) STATUS OF COLLABORATIVE PROCESS.—Not later than 90 days after the date of enactment of this section, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate information on the status of the collaborative process under subsection (a)(2).

''(2) INTERIM REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the committees of Congress described in paragraph (1) an interim report that—

''(A) describes the adequacy of existing research and methods to quantify environmental services benefits;

''(B) proposes methods—

''(i) to establish technical guidelines, accounting procedures, and reporting protocols; and

''(ii) to structure the registry; and

''(C) includes recommendations for actions to remove barriers for farmers, ranchers, and forest landowners to participation, reporting, registration, and verification relating to environmental services markets.

''(3) FINAL REPORT.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to the committees of Congress described in paragraph (1) a report that describes—

''(A) the progress of the Secretary in meeting the requirements described in subsection (a)(3)(B);

''(B) the rates of participation of farmers, ranchers, and forest landowners in emerging environmental services markets; and

''(C) any recommendations of the Secretary relating to reauthorization of this section.

''(d) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

Subtitle F—State Technical Committees

SEC. 2501. STATE TECHNICAL COMMITTEES.

(a) STANDARDS.—Section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861(c)) is amended by striking subsection (b) and inserting the following:

''(b) STANDARDS.—Not later than 180 days after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall develop—

''(1) standard operating procedures to standardize the operations of State technical committees; and

''(2) standards to be used by the State technical committees in the development of technical guidelines under section 1262(b) for the implementation of the conservation provisions of this title.''.

(b) COMPOSITION.—Section 1261(c) of the Food Security Act of 1985 (16 U.S.C. 3861(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) the Natural Resources Conservation Service;

''(2) the Farm Service Agency;'';

(2) by striking paragraph (5) and inserting the following:

''(5) Rural Development agencies;'';

(3) in paragraph (11), by striking ''and'' at the end;

(4) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(13) nonindustrial private forest land owners.''.

(c) FACA REQUIREMENTS.—Section 1262(e) of the Food Security Act of 1985 (16 U.S.C. 3862(e)) is amended—

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

''(1) IN GENERAL.—The committees''; and

(2) by adding at the end the following:

''(2) LOCAL WORKING GROUPS.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), any local working group established under this subtitle shall be considered to be a subcommittee of the applicable State technical committee.''.

Subtitle G—Other Authorities

SEC. 2601. AGRICULTURAL MANAGEMENT ASSISTANCE.

Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) is amended—

(1) in paragraph (1), by inserting ''Idaho'' after ''Delaware''; and

(2) in paragraph (4)(B), by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 2602. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

The Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6901 et seq.) is amended by adding at the end the following:

''SEC. 307. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law relating to Federal grants, cooperative agreements, or contracts, there is established in the Department the agriculture conservation experienced services program (referred to in this section as the 'ACE program').

''(2) AUTHORIZATION.—Under the ACE program, the Secretary may offer to enter into agreements with nonprofit private agencies and organizations eligible to receive grants for the applicable fiscal year under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) to use the talents of individuals who are age 55 or older, to provide conservation technical assistance in support of the administration of conservation-related programs and authorities administered by the Secretary.

''(3) FUNDING.—Agreements described in paragraph (2) may be carried out using funds made available to carry out—

''(A) the environmental quality incentives program of the comprehensive stewardship incentives program established under subchapter A of chapter 6 of subtitle D of title XII of the Food Security Act of 1985;

''(B) the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.); or

''(C) title V of the Older Americans Act of 1965 (42 U.S.C. 3056).

''(b) DETERMINATION.—Prior to entering into an agreement described in subsection (a)(2), the Secretary shall determine that the agreement would not—

''(1) result in the displacement of individuals employed by the Department, including partial displacement through reduction of nonovertime hours, wages, or employment benefits;

''(2) result in the use of an individual covered by this section for a job or function in a case in which a Federal employee is in a layoff status from the same or a substantially-equivalent job or function with the Department; or

''(3) affect existing contracts for services.

''(c) TECHNICAL ASSISTANCE.—The Secretary may make available to individuals providing technical assistance under an agreement authorized by this section appropriate conservation technical tools, including the use of agency vehicles necessary to carry out technical assistance in support of the conservation-related programs affected by the ACE program.''.

SEC. 2603. TECHNICAL ASSISTANCE.

(a) SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.—

(1) PREVENTION OF SOIL EROSION.—

(A) IN GENERAL.—The first section of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a) is amended—

(i) by striking ''That it'' and inserting the following:

''SECTION 1. PURPOSE.

''It''; and

(ii) in the matter preceding paragraph (1), by striking ''and thereby to preserve natural resources,'' and inserting ''to preserve soil, water, and related resources, promote soil and water quality,''.

(B) POLICIES AND PURPOSES.—Section 7(a)(1) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)(1)) is amended by striking ''fertility'' and inserting ''and water quality and related resources''.

(2) DEFINITIONS.—Section 10 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590j) is amended to read as follows:

''SEC. 10. DEFINITIONS.

''In this Act:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

''(A) an agricultural commodity; and

''(B) any regional or market classification, type, or grade of an agricultural commodity.

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses.

''(B) INCLUSIONS.—The term 'technical assistance' includes—

''(i) technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and

''(ii) technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.''.

(b) SOIL AND WATER RESOURCES CONSERVATION ACT OF 1977.—

(1) CONGRESSIONAL FINDINGS.—Section 2 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001) is amended—

(A) in paragraph (2), by striking ''base, of the'' and inserting ''base of the''; and

(B) in paragraph (3), by striking ''(3)'' and all that follows through ''Since individual'' and inserting the following:

''(3) Appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative conservation programs are basic to effective soil, water, and related natural resource conservation.

''(4) Since individual''.

(2) CONTINUING APPRAISAL OF SOIL, WATER, AND RELATED RESOURCES.—Section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004) is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(7) data on conservation plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by the Secretary.'';

(B) by redesignating subsection (d) as subsection (e);

(C) by inserting after subsection (c) the following:

''(d) EVALUATION OF APPRAISAL.—In conducting the appraisal described in subsection (a), the Secretary shall concurrently solicit and evaluate recommendations for improving the appraisal, including the content, scope, process, participation in, and other elements of the appraisal, as determined by the Secretary.''; and

(D) in subsection (e) (as redesignated by subparagraph (B)), by striking ''December 31, 1979'' and all that follows through ''December 31, 2005'' and inserting ''December 31, 2010, December 31, 2015, December 31, 2020, and December 31, 2025''.

(3) SOIL AND WATER CONSERVATION PROGRAM.—Section 6 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2005) is amended—

(A) by redesignating subsection (b) as subsection (d);

(B) by inserting after subsection (a) the following:

''(b) EVALUATION OF EXISTING CONSERVATION PROGRAMS.—In evaluating existing conservation programs, the Secretary shall emphasize demonstration, innovation, and monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards.

''(c) IMPROVEMENT TO PROGRAM.—In developing a national soil and water conservation program under subsection (a), the Secretary shall solicit and evaluate recommendations for improving the program, including the content, scope, process, participation in, and other elements of the program, as determined by the Secretary.''; and

(C) in subsection (d) (as redesignated by subparagraph (A)), by striking ''December 31, 1979'' and all that follows through ''December 31, 2007'' and inserting ''December 31, 2011, December 31, 2016, December 31, 2021, and December 31, 2026''.

(4) REPORTS TO CONGRESS.—Section 7 of the Soil and Water Resources Conservation Act

of 1977 (16 U.S.C. 2006) is amended to read as follows:

"SEC. 7. REPORTS TO CONGRESS.

''(a) APPRAISAL.—Not later than the date on which Congress convenes in 2011, 2016, 2021, and 2026, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate the appraisal developed under section 5 and completed prior to the end of the previous year.

''(b) PROGRAM AND STATEMENT OF POLICY.—Not later than the date on which Congress convenes in 2012, 2017, 2022, and 2027, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate—

''(1) the initial program or updated program developed under section 6 and completed prior to the end of the previous year;

''(2) a detailed statement of policy regarding soil and water conservation activities of the Department of Agriculture; and

''(3) a special evaluation of the status, conditions, and trends of soil quality on cropland in the United States that addresses the challenges and opportunities for reducing soil erosion to tolerance levels.

''(c) IMPROVEMENTS TO APPRAISAL AND PROGRAM.—Not later than the date on which Congress convenes in 2012, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a report describing the plans of the Department of Agriculture for improving the resource appraisal and national conservation program required under this Act, based on the recommendations received under sections 5(d) and 6(c).''.

(5) TERMINATION OF PROGRAM.—Section 10 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2009) is amended by striking ''2008'' and inserting ''2028''.

SEC. 2604. SMALL WATERSHED REHABILITATION PROGRAM.

Section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012) is amended by striking subsection (h) and inserting the following:

''(h) 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.''.

SEC. 2605. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) LOCALLY LED PLANNING PROCESS.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''planning process'' and inserting ''locally led planning process'';

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (8), respectively, and moving those paragraphs so as to appear in numerical order;

(3) in paragraph (8) (as so redesignated)—

(A) by striking ''(8) PLANNING PROCESS'' and inserting ''(8) LOCALLY LED PLANNING PROCESS''; and

(B) by striking ''council'' and inserting ''locally led council''.

(b) AUTHORIZED TECHNICAL ASSISTANCE.—Section 1528(13) of the Agriculture and Food Act of 1981 (16 U.S.C. 3451(13)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) providing assistance for the implementation of area plans and projects; and

''(D) providing services that involve the resources of Department of Agriculture programs in a local community, as defined in the locally led planning process.''.

(c) IMPROVED PROVISION OF TECHNICAL ASSISTANCE.—Section 1531 of the Agriculture and Food Act of 1981 (16 U.S.C. 3454) is amended—

(1) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively, and indenting appropriately;

(2) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(3) by adding at the end the following:

''(b) COORDINATOR.—

''(1) IN GENERAL.—To improve the provision of technical assistance to councils under this subtitle, the Secretary shall designate for each council an individual to be the coordinator for the council.

''(2) RESPONSIBILITY.—A coordinator for a council shall be directly responsible for the provision of technical assistance to the council.''.

(d) PROGRAM EVALUATION.—Section 1534 of the Agriculture and Food Act of 1981 (16 U.S.C. 3457) is repealed.

SEC. 2606. NATIONAL NATURAL RESOURCES CONSERVATION FOUNDATION.

(a) ADVISORY FUNCTIONS.—Section 353 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 5802) is amended—

(1) in subsection (b)(3), by striking ''agencies'' and inserting ''agencies, individuals,''; and

(2) by adding at the end the following:

''(d) ADVISORY FUNCTIONS.—Notwithstanding the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Foundation may provide advice and recommendations to the Secretary.''.

(b) GIFTS, DEVISES, AND BEQUESTS OF PERSONAL PROPERTY.—Section 354 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 5803) is amended by adding at the end the following:

''(h) GIFTS, DEVISES, AND BEQUESTS OF PERSONAL PROPERTY.—

''(1) IN GENERAL.—Prior to the appointment and initial meeting of the members of the Board and after the initial meeting of the Board, the Secretary may, on behalf of the Foundation—

''(A) accept, receive, and hold nonmonetary gifts, devises, or bequests of personal property; and

''(B) accept and receive monetary gifts, devises, or bequests.

''(2) HELD IN TRUST.—Gifts, devises, or bequests of monetary and nonmonetary personal property shall—

''(A) be held in trust for the Foundation; and

''(B) shall not be—

''(i) considered gifts to the United States; or

''(ii) used for the benefit of the United States.

''(3) TREASURY ACCOUNT.—The Secretary shall deposit monetary gifts, devises, and bequests to the Foundation in a special interest-bearing account in the Treasury of the United States.

''(4) INITIAL GIFTS, DEVISES, AND BEQUESTS.—

''(A) IN GENERAL.—The Secretary may use initial gifts, devises, or bequests received prior to the first meeting of the Board for any necessary expenses and activities related to the first meeting of the Board.

''(B) TRANSFER.—Except with respect to any amounts expended under subparagraph (A), the Secretary shall, at the first meeting of the Board, transfer to the Foundation all gifts, devises, or bequests received prior to the first meeting of the Board.''.

(c) OFFICERS AND EMPLOYEES.—Section 355(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 5804(b)(1)) is amended—

(1) by striking ''Foundation—'' and all that follows through ''shall not,'' in subparagraph (A) and inserting ''Foundation shall not'';

(2) by striking ''employee; and'' and inserting ''employee.''; and

(3) by striking subparagraph (B).

(d) CONTRACTS AND AGREEMENTS.—Section 356 of the Federal Agriculture Improvement Reform Act of 1996 (16 U.S.C. 5805) is amended—

(1) in subsection (c)(7), by striking ''State or local'' and inserting ''Federal, State, or local''; and

(2) in subsection (d)(2)—

(A) by striking ''A gift'' and inserting the following:

''(A) IN GENERAL.—A gift''; and

(B) by adding at the end the following:

''(B) TAX STATUS.—A gift, devise, or bequest to the Foundation shall be treated as a gift, devise, or bequest to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.''.

(e) ADMINISTRATIVE SERVICES AND SUPPORT.—Section 356 of the Federal Agriculture Improvement Reform Act of 1996 (16 U.S.C. 5806) is amended by striking ''1996 through 1998'' and inserting ''2008 through 2012.''.

SEC. 2607. DESERT TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) by striking ''(a)'' and all that follows through ''the Secretary of Agriculture'' and inserting the following: ''Subject to paragraph (1) of section 207 of Public Law 108–7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food and Energy Security Act of 2007, the Secretary of Agriculture''; and

(2) by striking subsection (b).

SEC. 2608. CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

''(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

''(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(B) that has never been used for production of an agricultural commodity.

''(2) INELIGIBILITY.—Native sod acreage on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be ineligible for benefits under this Act.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

''(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

''(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(ii) that has never been used for production of an agricultural commodity.

''(B) INELIGIBILITY.—Native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be ineligible for benefits under this section.''.

(c) CROPLAND REPORT.—

(1) BASELINE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report

that describes the cropland acreage in each county and State, and the change in cropland acreage from the preceding year in each county and State, beginning with calendar year 1995 and including that information for the most recent year for which that information is available.

(2) ANNUAL UPDATES.—Not later than January 1, 2008, and each January 1 thereafter through January 1, 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the cropland acreage in each county and State as of the date of submission of the report; and

(B) the change in cropland acreage from the preceding year in each county and State.

SEC. 2609. HIGH PLAINS WATER STUDY.

Notwithstanding any other provision of this Act, no person shall become ineligible for any program benefits under this Act or an amendment made by this Act solely as a result of participating in a 1-time study of recharge potential for the Ogallala Aquifer in the High Plains of the State of Texas.

SEC. 2610. PAYMENT OF EXPENSES.

Section 17(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136o(d)) is amended—

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

''(1) IN GENERAL.—The Administrator''; and

(2) by adding at the end the following:

''(2) DEPARTMENT OF STATE EXPENSES.—Any expenses incurred by an employee of the Environmental Protection Agency who participates in any international technical, economic, or policy review board, committee, or other official body that is meeting in relation to an international treaty shall be paid by the Department of State.''.

SEC. 2611. USE OF FUNDS IN BASIN FUNDS FOR SALINITY CONTROL ACTIVITIES UPSTREAM OF IMPERIAL DAM.

(a) IN GENERAL.—Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) is amended by adding at the end the following:

''(7) BASIN STATES PROGRAM.—

''(A) IN GENERAL.—A Basin States Program that the Secretary, acting through the Bureau of Reclamation, shall implement to carry out salinity control activities in the Colorado River Basin using funds made available under section 205(f).

''(B) ASSISTANCE.—The Secretary, in consultation with the Colorado River Basin Salinity Control Advisory Council, shall carry out this paragraph using funds described in subparagraph (A) directly or by providing grants, grant commitments, or advance funds to Federal or non-Federal entities under such terms and conditions as the Secretary may require.

''(C) ACTIVITIES.—Funds described in subparagraph (A) shall be used to carry out, as determined by the Secretary—

''(i) cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources;

''(ii) operation and maintenance of salinity control features constructed under the Colorado River Basin salinity control program; and

''(iii) studies, planning, and administration of salinity control activities.

''(D) REPORT.—

''(i) IN GENERAL.—Not later than 30 days before implementing the program established under this paragraph, the Secretary shall submit to the appropriate committees of Congress a planning report that describes the proposed implementation of the program.

''(ii) IMPLEMENTATION.—The Secretary may not expend funds to implement the program established under this paragraph before the expiration of the 30-day period beginning on the date on which the Secretary submits the report, or any revision to the report, under clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''program'' and inserting ''programs''; and

(B) in subsection (b)(4)—

(i) by striking ''program'' and inserting ''programs''; and

(ii) by striking ''and (6)'' and inserting ''(6), and (7)''.

(2) Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended by striking subsection (f) and inserting the following:

''(f) UPFRONT COST SHARE.—

''(1) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, subject to paragraph (3), the cost share obligations required by this section shall be met through an upfront cost share from the Basin Funds, in the same proportions as the cost allocations required under subsection (a), as provided in paragraph (2).

''(2) BASIN STATES PROGRAM.—The Secretary shall expend the required cost share funds described in paragraph (1) through the Basin States Program for salinity control activities established under section 202(a)(7).

''(3) EXISTING SALINITY CONTROL ACTIVITIES.—The cost share contribution required by this section shall continue to be met through repayment in a manner consistent with this section for all salinity control activities for which repayment was commenced prior to the date of enactment of this paragraph.''.

SEC. 2612. GREAT LAKES COMMISSION.

(a) IN GENERAL.—The Secretary, in consultation with the Great Lakes Commission created by article IV of the Great Lakes Basin Compact (Public Law 90–419; 82 Stat. 415), and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army, may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the ''program'') to assist in implementing the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

(b) ASSISTANCE.—In carrying out the program, the Secretary may—

(1) provide project demonstration grants, provide technical assistance, and carry out information and education programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that—

(A) directly reduce soil erosion or improve sediment control;

(B) reduce soil loss in degraded rural watersheds; or

(C) improve hydrologic conditions in urban watersheds.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2012.

SEC. 2613. TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

(a) PESTICIDE REGISTRATION SERVICE FEES.—Section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8) is amended—

(1) in subsection (b)(7)—

(A) in subparagraph (D)—

(i) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—The Administrator may exempt from, or waive a portion of, the registration service fee for an application for minor uses for a pesticide.''; and

(ii) in clause (ii), by inserting ''or exemption'' after ''waiver''; and

(B) in subparagraph (E)—

(i) in the paragraph heading, by striking ''WAIVER'' and inserting ''EXEMPTION'';

(ii) by striking ''waive the registration service fee for an application'' and inserting ''exempt an application from the registration service fee''; and

(iii) in clause (ii), by striking ''waiver'' and inserting ''exemption''; and

(2) in subsection (m)(2), by striking ''2008'' each place it appears and inserting ''2012''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007.

SEC. 2614. CONSERVATION OF GREATER EVERGLADES ECOSYSTEM.

Of the funds of the Commodity Credit Corporation, the Secretary shall use $7,000,000 for each of fiscal years 2008 through 2012 to provide assistance to 1 or more States to carry out conservation activities in or for the greater Everglades ecosystem.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SHORT TITLE.

(a) IN GENERAL.—Section 1 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 note; 104 Stat. 3633) is amended by striking ''Agricultural Trade Development and Assistance Act of 1954'' and inserting ''Food for Peace Act''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended—

(A) by striking ''Agricultural Trade Development and Assistance Act of 1954'' each place it appears and inserting ''Food for Peace Act''; and

(B) in each section heading, by striking ''**AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954**'' each place it appears and inserting ''**FOOD FOR PEACE ACT**''.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(B) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(C) Section 9(a) of the Military Construction Codification Act (7 U.S.C. 1704c).

(D) Section 201 of the Africa: Seeds of Hope Act of 1998 (7 U.S.C. 1721 note; Public Law 105–385).

(E) The Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.).

(F) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(G) Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

(H) Sections 605B and 606C of the Act of August 28, 1954 (commonly known as the ''Agricultural Act of 1954'') (7 U.S.C. 1765b, 1766b).

(I) Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856).

(J) The Agricultural Competitiveness and Trade Act of 1988 (7 U.S.C. 5201 et seq.).

(K) The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.).

(L) The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

(M) Section 301 of title 13, United States Code.

(N) Section 8 of the Endangered Species Act of 1973 (16 U.S.C. 1537).

(O) Section 604 of the Enterprise for the Americas Act of 1992 (22 U.S.C. 2077).

(P) Section 5 of the International Health Research Act of 1960 (22 U.S.C. 2103).

(Q) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(R) The Horn of Africa Recovery and Food Security Act (22 U.S.C. 2151 note; Public Law 102–274).

(S) Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455).

(T) Section 35 of the Foreign Military Sales Act (22 U.S.C. 2775).

(U) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(V) Section 1707 of the Cuban Democracy Act of 1992 (22 U.S.C. 6006).

(W) The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).

(X) Section 902 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201).

(Y) Chapter 553 of title 46, United State Code.

(Z) Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(AA) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(BB) Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat 1549A-34).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the ''Agricultural Trade Development and Assistance Act of 1954'' shall be considered to be a reference to the ''Food for Peace Act''.

SEC. 3002. UNITED STATES POLICY.

Section 2 of the Food for Peace Act (7 U.S.C. 1691) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 3003. FOOD AID TO DEVELOPING COUNTRIES.

Section 3(b) of the Food for Peace Act (7 U.S.C. 1691a(b)) is amended by striking ''(b)'' and all that follows through paragraph (1) and inserting the following:

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

''(1) in negotiations with other countries at the Food Aid Convention, the World Trade Organization, the United Nations Food and Agriculture Organization, and other appropriate venues, the President shall—

''(A) seek commitments of higher levels of food aid by donors in order to meet the legitimate needs of developing countries;

''(B) ensure, to the maximum extent practicable, that humanitarian nongovernmental organizations, recipient country governments, charitable bodies, and international organizations shall continue—

''(i) to be eligible to receive resources based on assessments of need conducted by those organizations and entities; and

''(ii) to implement food aid programs in agreements with donor countries; and

''(C) ensure, to the maximum extent practicable, that options for providing food aid for emergency and nonemergency, or chronic, needs shall not be subject to limitation, including in-kind commodities, provision of funds for commodity procurement, and monetization of commodities, on the condition that the provision of those commodities or funds—

''(i) is based on assessments of need and intended to benefit the food security of or otherwise assist recipients, and

''(ii) is provided in a manner that avoids disincentives to local agricultural production and marketing and with minimal potential for disruption of commercial markets; and''.

SEC. 3004. TRADE AND DEVELOPMENT ASSISTANCE.

(a) Title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) is amended in the title heading, by striking ''**TRADE AND DEVELOPMENT ASSISTANCE**'' and inserting ''**ECONOMIC ASSISTANCE AND FOOD SECURITY**''.

(b) Section 101 of the Food for Peace Act (7 U.S.C. 1701) is amended in the section heading, by striking ''**trade and development assistance**'' and inserting ''**ECONOMIC ASSISTANCE and food security**''.

SEC. 3005. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Food for Peace Act (7 U.S.C. 1702) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) by striking subsection (c).

SEC. 3006. USE OF LOCAL CURRENCY PAYMENTS.

Section 104(c) of the Food for Peace Act (7 U.S.C. 1704(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', through agreements with recipient governments, private voluntary organizations, and cooperatives,'' after ''developing country'';

(2) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the improvement of the trade capacity of the recipient country.'';

(3) by striking paragraphs (1), (3), (4), (5), and (6); and

(4) by redesignating paragraphs (2), (7), (8), and (9) as paragraphs (1), (2), (3), and (4), respectively.

SEC. 3007. GENERAL AUTHORITY.

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

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

''(1) address famine and respond to emergency food needs arising from man-made and natural disasters;'';

(2) in paragraph (5), by inserting ''food security and support'' after ''promote''; and

(3) by striking paragraph (6) and inserting the following:

''(6) protect livelihoods, provide safety nets for food insecure populations, and encourage participation in educational, training, and other productive activities.''.

SEC. 3008. PROVISION OF AGRICULTURAL COMMODITIES.

Section 202 of the Food for Peace Act (7 U.S.C. 1722) is amended—

(1) in subsection (b)(2), by striking ''may not deny a request for funds'' and inserting ''may not use as a sole rationale for denying a request for funds'';

(2) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''Of the funds made available in'' and inserting ''Of the total amount of funds made available from all sources for''; and

(ii) by striking ''not less than 5 percent nor more than 10 percent'' and inserting ''not less than 7.5 percent'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) by striking subparagraph (B) and inserting the following:

''(B) meeting specific administrative, management, personnel, programmatic, and operational activities, and internal transportation and distribution costs for carrying out new and existing programs in foreign countries under this title; and''

(D) by adding at the end the following:

''(C) improving and implementing methodologies for food aid programs, including needs assessments, monitoring, and evaluation.''; and

(3) by striking subsection (h) and inserting the following:

''(h) FOOD AID QUALITY.—

''(1) IN GENERAL.—The Administrator shall use funds made available for fiscal year 2008 and subsequent fiscal years to carry out this title—

''(A) to assess the types and quality of agricultural commodities and products donated for food aid;

''(B) to adjust products and formulations as necessary to cost-effectively meet nutrient needs of target populations; and

''(C) to pretest prototypes.

''(2) ADMINISTRATION.—The Administrator—

''(A) shall carry out this subsection in consultation with and through an independent entity with proven impartial expertise in food aid commodity quality enhancements;

''(B) may enter into contracts to obtain the services of such an entity; and

''(C) shall consult with the Food Aid Consultative Group on how to carry out this subsection.

''(3) REPORTS.—The Administrator shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(A) a report that describes the activities of the Administrator in carrying out paragraph (1) for fiscal year 2008; and

''(B) an annual report that describes the progress of the Administrator in addressing food aid quality issues.''.

SEC. 3009. MICROENTERPRISE ACTIVITIES.

Section 203(d)(2) of the Food for Peace Act (7 U.S.C.1723(d)(2)) is amended by inserting '', including activities involving microenterprise and village banking,'' after ''other developmental activities''.

SEC. 3010. LEVELS OF ASSISTANCE.

Section 204(a)(1) of the Food for Peace Act (7 U.S.C. 1724(a)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3011. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Food for Peace Act (7 U.S.C. 1725) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(7) representatives from the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act.'';

(2) in subsection (d)—

(A) by striking ''In preparing'' and inserting the following:

''(1) IN GENERAL.—In preparing'';

(B) by striking ''The Administrator'' and inserting the following:

''(2) BIANNUAL CONSULTATION.—The Administrator''; and

(C) by adding at the end the following:

''(3) CONSULTATION FOR DRAFT REGULATIONS.—In addition to the meetings required under paragraph (2), the Administrator shall consult and meet with the Group—

''(A) before issuing the draft regulations to carry out the program described in section 209; and

''(B) during the public comment period relating to those draft regulations.''; and

(3) in subsection (f), by striking ''2007'' and inserting ''2012''.

SEC. 3012. ADMINISTRATION.

Section 207 of the Food for Peace Act (7 U.S.C. 1726a) is amended—

(1) in subsection (a)(3), by striking ''must be met for the approval of such proposal'' and inserting ''should be considered for a proposal in a future fiscal year'';

(2) in subsection (c), by striking paragraph (3);

(3) by striking subsection (d) and inserting the following:

''(d) TIMELY PROVISION OF COMMODITIES.—The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules.'';

(4) in subsection (e)(2), by striking ''December 1'' and inserting ''June 1''; and

(5) by adding at the end the following:

''(f) PROGRAM OVERSIGHT.—

''(1) IN GENERAL.—Funds made available to carry out this title may be used to pay the expenses of the United States Agency for International Development associated with program monitoring, evaluation, assessments, food aid data collection, and food aid information management and commodity reporting systems.

''(2) CONTRACT AUTHORITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of law, in carrying out administrative and management activities related to the implementation of programs under this title, the Administrator may contract with 1 or more individuals for personal service to be performed in recipient countries or neighboring countries.

''(B) PROHIBITION.—Individuals contracting with the Administrator under subparagraph (A) shall not be considered to be employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

''(C) PERSONAL SERVICE.—Subparagraph (A) does not limit the ability of the Administrator to contract with individuals for personal service under section 202(a).

''(g) INDIRECT SUPPORT COSTS TO THE WORLD FOOD PROGRAM OF THE UNITED NATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, in providing assistance under this title, the Administrator may make contributions to the World Food Program of the United Nations to the extent that the contributions are made in accordance with the rules and regulations of that program for indirect cost rates.

''(2) REPORT.—The Administrator shall submit the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on the level of the contribution and the reasons for the level.

''(h) INDIRECT SUPPORT COSTS TO COOPERATING SPONSORS.—Notwithstanding any other provision of law, the Administrator may pay to a private voluntary organization or cooperative indirect costs associated with any funds received or generated for programs, costs, or activities under this title, on the condition that the indirect costs are consistent with Office of Management and Budget cost principles.

''(i) PROJECT REPORTING.—

''(1) IN GENERAL.—In submitting project reports to the Administrator, a private voluntary organization or cooperative shall provide a copy of the report in such form as is necessary for the report to be displayed for public use on the website of the United States Agency for International Development.

''(2) CONFIDENTIAL INFORMATION.—An organization or cooperative described in paragraph (1) may omit any confidential information from the copy of the report submitted for public display under that paragraph.''.

SEC. 3013. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$8,000,000''; and

(2) by striking ''2007'' and inserting ''2012''.

SEC. 3014. PILOT PROGRAM FOR LOCAL PURCHASE.

Title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

''SEC. 209. PILOT PROGRAM FOR LOCAL PURCHASE.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE COMMODITY.—Notwithstanding section 402(2), the term 'eligible commodity' means an agricultural commodity, or the product of an agricultural commodity, that is produced in—

''(A) the recipient country;

''(B) a low-income, developing country near the recipient country; or

''(C) Africa.

''(2) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means—

''(A) an organization that is—

''(i) described in section 202(d); and

''(ii) subject to guidelines promulgated to carry out this section, including United States audit requirements that are applicable to non-governmental organizations; or

''(B) an intergovernmental organization, if the organization agrees to be subject to all requirements of this section, including any regulations promulgated or guidelines issued by the Administrator to carry out this section.

''(3) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under subsection (b).

''(b) ESTABLISHMENT.—Notwithstanding section 407(c)(1)(A), the Administrator, in consultation with the Secretary, shall establish a field-based pilot program for local and regional purchases of eligible commodities in accordance with this section.

''(c) PURPOSES.—Eligible commodities under the pilot program shall be used solely—

''(1) to address severe food shortages caused by sudden events, including—

''(A) earthquakes, floods, and other unforeseen crises; or

''(B) human-made crises, such as conflicts;

''(2) to prevent or anticipate increasing food scarcity as the result of slow-onset events, such as drought, crop failures, pests, economic shocks, and diseases that result in an erosion of the capacity of communities and vulnerable populations to meet food needs;

''(3) to address recovery, resettlement, and reconstruction following 1 or more disasters or emergencies described in paragraph (1) or (2); and

''(4) to protect and improve livelihoods and food security, provide safety nets for food insecure or undernourished populations, and encourage participation in education and other productive activities.

''(d) PROCUREMENT.—Subject to subsections (a), (b), (f), and (h) of section 403, eligible commodities under the pilot program shall for emergency situations be procured through the most effective 1 or more approaches or methodologies that are likely to expedite the provision of food aid to affected populations.

''(e) REVIEW OF PRIOR LOCAL CASH PURCHASE EXPERIENCE.—

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Administrator shall initiate the process to commission an external review of local cash purchase projects conducted before the date of enactment of this section by other donor countries, private voluntary organizations, and the World Food Program of the United Nations.

''(2) USE OF REVIEW.—The Administrator shall use the results of the review to develop—

''(A) proposed guidelines under subsection (j); and

''(B) requests for applications under subsection (f).

''(3) REPORT.—Not later than 270 days after the date of enactment of this section, the Administrator shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the review.

''(f) GRANTS TO ELIGIBLE ORGANIZATIONS.—

''(1) IN GENERAL.—After the promulgation of final guidelines under subsection (j), the Administrator may seek applications from and provide grants to eligible organizations to carry out the pilot program.

''(2) COMPLETION REQUIREMENT.—As a condition of receiving a grant under the pilot program, an eligible organization shall agree—

''(A) to complete all projects funded through the grant not later than September 30, 2011; and

''(B) to provide information about the results of the project in accordance with subsection (i).

''(3) OTHER REQUIREMENTS.—Other requirements for submission of proposals for consideration under this title shall apply to the submission of an application for a grant under this section.

''(g) PROJECT DIVERSITY.—In selecting projects to fund under the pilot program, the Administrator shall select a diversity of projects, including—

''(1) at least 1 project for each of the situations described in subsection (c);

''(2) at least 1 project carried out jointly with a project using agricultural commodities produced in the United States under this title;

''(3) at least 1 project carried out jointly with a project funded through grassroots efforts by agricultural producers through eligible United States organizations;

''(4) projects in both food surplus and food deficit regions, using regional procurement for food deficit regions; and

''(5) projects in diverse geographical regions, with most, but not all, projects located in Africa.

''(h) INFORMATION REQUIRED IN APPLICATIONS.—In submitting an application under this section, an eligible organization shall—

''(1) request funding for up to 3 years; and

''(2) include in the application—

''(A) a description of the target population through a needs assessment and sufficient information to demonstrate that the situation is a situation described in subsection (c);

''(B) an assurance that the local or regional procurement—

''(i) is likely to expedite the provision of food aid to the affected population; and

''(ii) would meet the requirements of subsection (d);

''(C) a description of—

''(i) the quantities and types of eligible commodities that would be procured;

''(ii) the rationale for selecting those eligible commodities; and

''(iii) how the eligible commodities could be procured and delivered in a timely manner;

''(D) an analysis of the potential impact of the purchase of eligible commodities on the production, pricing, and marketing of the same and similar agricultural commodities in the country and localities in which the purchase will take place;

''(E) a description of food quality and safety assurance measures; and

''(F) a monitoring and evaluation plan that ensures collection of sufficient data—

''(i) to determine the full cost of procurement, delivery, and administration;

''(ii) to report on the agricultural production, marketing, and price impact of the local or regional purchases, including the impact on low-income consumers; and

''(iii) to provide sufficient information to support the completion of the report described in subsection (i).

''(i) INDEPENDENT EVALUATION AND REPORT.—

''(1) IN GENERAL.—The Administrator shall—

''(A) arrange for an independent evaluation of the pilot program; and

''(B) provide access to all records and reports for the completion of the evaluation.

''(2) REPORT.—Not later than 4 years after the date of enactment of this section, the Administrator shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(A) includes the analysis and findings of the independent evaluation;

''(B) assesses whether the requirements of this section have been met;

''(C) describes for each of the relevant markets in which the commodities were purchased—

''(i) prevailing and historic supply, demand, and price movements;

''(ii) impact on producer and consumer prices;

''(iii) government market interferences and other donor activities that may have affected the supply and demand in the area in which the local or regional purchase took place; and

''(iv) the quantities and types of eligible commodities procured in each market, the time frame for procurement, and the complete costs of the procurement (including procurement, storage, handling, transportation, and administrative costs);

''(D) assesses the impact of different methodologies and approaches on local and regional agricultural producers (including large and small producers), markets, low-income consumers, and program recipients;

''(E) assesses the time elapsed from initiation of the procurement process to delivery;

''(F) compares different methodologies used in terms of—

''(i) the benefits to local agriculture;

''(ii) the impact on markets and consumers;

''(iii) the time for procurement and delivery;

''(iv) quality and safety assurances; and

''(v) implementation costs; and

''(G) to the extent adequate information is available, includes a comparison of the different methodologies used by other donors to make local and regional purchases, including purchases conducted through the World Food Program of the United Nations.

''(j) GUIDELINES.—Prior to approving projects or the procurement of eligible commodities under this section, not later than 1 year after the date of enactment of this section, the Administrator shall issue guidelines to carry out this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), for each of fiscal years 2008 through 2011, the Administrator may use to carry out this section not more than $25,000,000 of funds made available to carry out this title, to remain available until expended.

''(2) LIMITATION.—No funds may be made available to carry out the pilot program unless the minimum tonnage requirements of section 204(a) are met.''.

SEC. 3015. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) IN GENERAL.—Section 401 of the Food for Peace Act (7 U.S.C. 1731) is amended—

(1) by striking subsection (a);

(2) redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b) (as so redesignated), by striking ''(b)(1)'' and inserting ''(a)(1)''.

(b) CONFORMING AMENDMENTS.—

(1) Section 406(a) of the Food for Peace Act (7 U.S.C. 1736(a)) is amended by striking ''(that have been determined to be available under section 401(a))''.

(2) Subsection (e)(1) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(1)) is amended by striking ''determined to be available under section 401 of the Food for Peace Act''.

SEC. 3016. USE OF COMMODITY CREDIT CORPORATION.

Section 406(b)(2) of the Food for Peace Act (7 U.S.C. 1736(b)(2)) is amended by inserting '', including the costs of carrying out section 415'' before the semicolon.

SEC. 3017. ADMINISTRATIVE PROVISIONS.

Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended—

(1) in subsection (c)(4)—

(A) by striking ''2007'' and inserting ''2012'';

(B) by striking ''$2,000,000'' and inserting ''$4,000,000''; and

(C) by adding at the end the following:

''(5) NONEMERGENCY OR MULTIYEAR AGREEMENTS.—Annual resource requests for ongoing nonemergency or multiyear agreements under title II shall be finalized not later than October 1 of the fiscal year in which the agricultural commodities will be shipped under the agreement.''; and

(2) in subsection (f)—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting '', and the amount of funds, tonnage levels, and types of activities for nonemergency programs under title II'' before the semicolon;

(ii) in subparagraph (C), by inserting '', and a general description of the projects and activities implemented'' before the semicolon; and

(iii) in subparagraph (D), by striking ''achieving food security'' and inserting ''reducing food insecurity''; and

(B) in paragraph (3)—

(i) by striking ''shall submit'' and inserting the following: ''shall—

''(A) submit'';

(ii) by striking ''January 15'' and inserting ''April 1''; and

(iii) by striking ''of the Senate''. and inserting the following: ''of the Senate; and

''(B) make the reports available to the public by electronic and other means.''.

SEC. 3018. EXPIRATION DATE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3019. AUTHORIZATION OF APPROPRIATIONS.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by striking subsection (b) and inserting the following:

''(b) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—For each of fiscal years 2008 through 2012, of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $600,000,000 for each of those fiscal years shall be obligated and expended for nonemergency food assistance programs under title II.''.

SEC. 3020. MICRONUTRIENT FORTIFICATION PROGRAMS.

Section 415 of the Food for Peace Act (7 U.S.C. 1736g–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Not later than September 30, 2003, the Administrator, in consultation with the Secretary'' and inserting ''Not later than September 30, 2008, the Secretary, in consultation with the Administrator''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding ''and'' after the semicolon at the end; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) assess and apply technologies and systems to improve and ensure the quality, shelf life, bioavailability, and safety of fortified food aid agricultural commodities, and products of those agricultural commodities, that are provided to developing countries, using recommendations included in the report entitled 'Micronutrient Compliance Review of Fortified Public Law 480 Commodities', published in October 2001, with implementation by an independent entity with proven impartial experience and expertise in food aid commodity quality enhancements.'';

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as redesignated by paragraph (2), by striking ''2007'' and inserting ''2012''.

SEC. 3021. GERMPLASM CONSERVATION.

Title IV of the Food for Peace Act (7 U.S.C. 1731 et seq.) is amended by adding at the end the following:

''SEC. 417. GERMPLASM CONSERVATION.

''(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (referred to in this section as the 'Trust') to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of food crops in a manner that provides for—

''(1) the maintenance and storage of seed collections;

''(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

''(3) building the capacity of seed collection in developing countries;

''(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (including through the provision of an accessible Internet website);

''(5) the operation and maintenance of a back-up facility in which are stored duplicate samples of seeds, in the case of natural or man-made disasters; and

''(6) oversight designed to ensure international coordination of those actions and efficient, public accessibility to that diversity through a cost-effective system.

''(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of funds of the Federal Government provided to the Trust shall not exceed 25 percent of the total of the funds contributed to the Trust from all sources.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for the period of fiscal years 2008 through 2012.''.

SEC. 3022. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

Section 501 of the Food for Peace Act (7 U.S.C. 1737) is amended by striking ''2007'' each place it appears and inserting ''2012''.

Subtitle B—Agricultural Trade Act of 1978 and Related Statutes

SEC. 3101. NONGOVERNMENTAL ORGANIZATION PARTICIPATION IN THE RESOLUTION OF TRADE DISPUTES.

Section 104 of the Agricultural Trade Act of 1978 (7 U.S.C. 5604) is amended—

(1) by striking ''The Secretary shall'' and inserting the following:

''(a) IN GENERAL.—The Secretary shall''; and

(2) by adding at the end the following:

''(b) NONGOVERNMENTAL ORGANIZATION PARTICIPATION IN THE RESOLUTION OF TRADE DISPUTES.—The Secretary shall permit United States nongovernmental organizations to participate as part of the United States delegation attending formal sessions of dispute resolution panels involving United States agriculture under the auspices of the World Trade Organization if—

''(1) the 1 or more other members of the World Trade Organization involved in the dispute are expected to include private sector representatives in the delegations of the members to the sessions;

''(2) the United States nongovernmental organization has submitted public comments through the Federal Register that support the position of the United States Government in the case; and

''(3) the United States nongovernmental organization will provide for representation at the session a cleared adviser who is a member of the agricultural policy advisory committee or an agricultural technical advisory committee established under the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 3102. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL OF SUPPLIER CREDIT GUARANTEE PROGRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''The Commodity'' and inserting ''Subject to paragraph (2), the Commodity''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) TENURE.—Beginning with the 2013 fiscal year, credit terms described in paragraph (1) may not exceed a 180-day period.'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively; and

(4) by adding at the end the following:

''(k) ADMINISTRATION.—

''(1) DEFINITION OF LONG TERM.—In this subsection, the term 'long term' means a period of 10 or more years.

''(2) GUARANTEES.—In administering the export credit guarantees authorized under this section, the Secretary shall—

''(A) maximize the export sales of agricultural commodities;

''(B) maximize the export credit guarantees that are made available and used during the course of a fiscal year;

''(C) develop an approach to risk evaluation that facilitates accurate country risk designations and timely adjustments to the designations (on an ongoing basis) in response to material changes in country risk conditions, with ongoing opportunity for input and evaluation from the private sector;

''(D) adjust risk-based guarantees as necessary to ensure program effectiveness and United States competitiveness; and

''(E) work with industry to ensure that risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses over the long term.''.

(b) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(1) in section 202 (7 U.S.C. 5622)—

(A) in subsection (b)(4) (as redesignated by subsection (a)(3)), by striking '', consistent with the provisions of subsection (c)'';

(B) in subsection (d) (as redesignated by subsection (a)(3))—

(i) by striking ''(1)'' and all that follows through ''The Commodity'' and inserting ''The Commodity''; and

(ii) by striking paragraph (2); and

(C) in subsection (g)(2) (as redesignated by subsection (a)(3)), by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''; and

(2) in section 211, by striking subsection (b) and inserting the following:

''(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2012 not less than $5,500,000,000 in credit guarantees under section 202(a).''.

SEC. 3103. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is amended by inserting after ''agricultural commodities'' the following: ''(including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)))''.

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking '', and $200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for each of fiscal years 2006 and 2007, $210,000,000 for fiscal year 2008, $220,000,000 for fiscal year 2009, $230,000,000 for fiscal year 2010, $240,000,000 for fiscal year 2011, and $200,000,000 for fiscal year 2012 and each subsequent fiscal year''.

SEC. 3104. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is repealed.

(b) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(1) in title III, by striking the title heading and inserting the following:

''TITLE III—BARRIERS TO EXPORTS'';

(2) by redesignating section 302 as section 301;

(3) by striking section 303;

(4) in section 401 (7 U.S.C. 5661)—

(A) in subsection (a), by striking ''section 201, 202, or 301'' and inserting ''section 201 or 202''; and

(B) in subsection (b), by striking ''sections 201, 202, and 301'' and inserting ''sections 201 and 202''; and

(5) in section 402(a)(1) (7 U.S.C. 5662(a)(1)), by striking ''sections 201, 202, 203, and 301'' and inserting ''sections 201, 202, and 203''.

SEC. 3105. VOLUNTARY CERTIFICATION OF CHILD LABOR STATUS OF AGRICULTURAL IMPORTS.

Section 414 of the Agricultural Trade Act of 1978 (7 U.S.C. 5674) is amended by adding at the end the following:

''(d) REDUCING CHILD LABOR AND FORCED LABOR.—

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

''(A) CHILD LABOR.—The term 'child labor' means the worst forms of child labor as defined in International Labor Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.

''(B) FORCED LABOR.—The term 'forced labor' means all work or service—

''(i) that is exacted from any individual under menace of any penalty for non-performance of the work or service, and for which the individual does not offer himself or herself voluntarily, by coercion, debt bondage, involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

''(ii) by 1 or more individuals who, at the time of production, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).

''(2) DEVELOPMENT OF STANDARD SET OF PRACTICES.—

''(A) IN GENERAL.—The Secretary, in coordination with the Secretary of Labor, shall develop a standard set of practices for the production of agricultural commodities that are imported, sold, or marketed in the United States in order to reduce the likelihood that the agricultural commodities are produced with the use of forced labor or child labor.

''(B) REQUIREMENT.—The standard set of practices shall be developed in accordance with the requirements of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

''(3) REQUIREMENTS.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall, with respect to the standard set of practices developed under paragraph (2), promulgate proposed regulations that shall, at a minimum, establish a voluntary certification program to enforce this subsection by—

''(A) requiring agricultural commodity traceability and inspection at all stages of the supply chain;

''(B) allowing for multistakeholder participation in the certification process;

''(C) providing for annual onsite inspection by a certifying agent, who shall be certified in accordance with the International Organization for Standardization Guide 65, of each affected worksite and handling operation;

''(D) incorporating a comprehensive conflict of interest policy for certifying agents, in accordance with section 2116(h) of the Organic Foods Production Act of 1990 (7 U.S.C. 6515(h)); and

''(E) providing an anonymous grievance procedure that—

''(i) is accessible by third parties to allow for the identification of new or continuing violations of the regulations; and

''(ii) provides protections for whistleblowers.

''(4) REPORTING REQUIREMENT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the development and implementation of the standard set of practices under this subsection.''.

SEC. 3106. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking ''amount of $34,500,000 for each of fiscal years 2002 through 2007'' and inserting ''amount of—

''(1) $39,500,000 for each of fiscal years 2008 and 2009;

''(2) $44,500,000 for fiscal year 2010; and

''(3) $34,500,000 for fiscal year 2011 and each subsequent fiscal year.''.

SEC. 3107. FOOD FOR PROGRESS ACT OF 1985.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) by striking ''2007'' each place it appears and inserting ''2012'';

(2) in subsection (b)(5)—

(A) by striking subparagraphs (A), (B), and (F);

(B) in subparagraph (D), by inserting ''and'' after the semicolon;

(C) in subparagraph (E), by striking ''; and'' and inserting a period; and

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C), respectively; and

(3) in subsection (f), by striking paragraph (3) and inserting the following:

''(3) FUNDING LIMITATIONS.—With respect to eligible commodities made available under section 416(b) of the Agricultural Act of 1949 (42 U.S.C. 1431(b)), unless authorized in advance in appropriation Acts—

''(A) for each of fiscal years 2008 through 2010, no funds of the Corporation in excess of $48,000,000 (exclusive of the cost of eligible commodities) may be used to carry out this section; and

''(B) for fiscal year 2011 and each fiscal year thereafter, no funds of the Corporation in excess of $40,000,000 (exclusive of the cost of eligible commodities) may be used to carry out this section.''.

SEC. 3108. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736*o*–1) is amended—

(1) in subsection (b), by inserting ''in the Department of Agriculture'' after ''establish a program'';

(2) in subsections (c)(2)(B), (f)(1), (h), (i), and (l)(1) by striking ''President'' each place it appears and inserting ''Secretary'';

(3) in subsection (d), by striking ''The President shall designate 1 or more Federal agencies'' and inserting ''The Secretary shall'';

(4) in paragraph (f)(2), by striking ''implementing agency'' and inserting ''Secretary''; and

(5) in subsection (l)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use $450,000,000 for each of fiscal years 2008 through 2012 to carry out this section.''; and

(B) by redesignating paragraph (3) as paragraph (2).

Subtitle C—Miscellaneous

SEC. 3201. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (a), by striking ''a trust stock'' and all that follows through the end of the subsection and inserting the following: ''a trust of commodities, for use as described in subsection (c), to consist of—

''(1) quantities equivalent to not more than 4,000,000 metric tons of commodities; or

''(2) any combination of funds and commodities equivalent to not more than 4,000,000 metric tons of commodities.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking ''replenish'' each place it appears and inserting ''reimburse''; and

(II) by striking ''replenished'' and inserting ''reimbursed''; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) funds made available—

''(i) under paragraph (2)(B);

''(ii) as a result of an exchange of any commodity held in the trust for an equivalent amount of funds from—

''(I) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

''(II) the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736*o*–1); or

''(III) the market, if the Secretary determines that such a sale of the commodity on the market will not unduly disrupt domestic markets; and

''(iii) in the course of management of the trust or to maximize the value of the trust, in accordance with subsection (d)(3).''; and

(B) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking ''replenish'' and inserting ''reimburse'';

(ii) in clause (i)—

(I) by striking ''2007'' each place it appears and inserting ''2012'';

(II) by striking ''(c)(2)'' and inserting ''(c)(1)''; and

(III) by striking ''and'' at the end;

(iii) in clause (ii), by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(iii) from funds accrued through the management of the trust under subsection (d).'';

(3) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) RELEASES FOR EMERGENCY ASSISTANCE.—

''(A) DEFINITION OF EMERGENCY.—

''(i) IN GENERAL.—In this paragraph, the term 'emergency' means an urgent situation—

''(I) in which there is clear evidence that an event or series of events described in clause (ii) has occurred—

''(aa) that causes human suffering or imminently threatens human lives or livelihoods; and

''(bb) for which a government concerned has not the means to remedy; or

''(II) created by a demonstrably abnormal event or series of events that produces dislocation in the lives of residents of a country or region of a country on an exceptional scale.

''(ii) EVENT OR SERIES OF EVENTS.—An event or series of events referred to in clause (i) includes 1 or more of—

''(I) a sudden calamity, such as an earthquake, flood, locust infestation, or similar unforeseen disaster;

''(II) a human-made emergency resulting in—

''(aa) a significant influx of refugees;

''(bb) the internal displacement of populations; or

''(cc) the suffering of otherwise affected populations;

''(III) food scarcity conditions caused by slow-onset events, such as drought, crop failure, pest infestation, and disease, that result in an erosion of the ability of communities and vulnerable populations to meet food needs; and

''(IV) severe food access or availability conditions resulting from sudden economic shocks, market failure, or economic collapse, that result in an erosion of the ability of communities and vulnerable populations to meet food needs.

''(B) RELEASES.—

''(i) IN GENERAL.—Any funds or commodities held in the trust may be released to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)—

''(I) to meet emergency needs, including during the period immediately preceding the emergency;

''(II) to respond to an emergency; or

''(III) for recovery and rehabilitation after an emergency.

''(ii) PROCEDURE.—Subject to subparagraph (B), a release under clause (i) shall be carried out in the same manner, and pursuant to the same authority as provided in title II of that Act.

''(C) INSUFFICIENCY OF OTHER FUNDS.—The funds and commodities held in the trust shall be made immediately available on a determination by the Administrator that funds available for emergency needs under title II of that Act (7 U.S.C. 1721 et seq.) for a fiscal year are insufficient to meet emergency needs during the fiscal year.''; and

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through ''provide—'' and inserting the following:

''(d) MANAGEMENT OF TRUST.—

''(1) IN GENERAL.—The Secretary shall provide for the management of eligible commodities and funds held in the trust in a manner that is consistent with maximizing the value of the trust, as determined by the Secretary.

''(2) ELIGIBLE COMMODITIES.—The Secretary shall provide—'';

(C) in paragraph (2) (as redesignated by subparagraph (B))—

(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking ''and'' at the end;

(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) for the management of price risks associated with commodities held or potentially held in the trust.''; and

(D) by adding at the end the following:

''(3) FUNDS.—

''(A) REQUIREMENT.—The Secretary shall maximize the value of funds held in the trust, to the maximum extent practicable.

''(B) RELEASES ON EMERGENCY.—If any commodity is released from the trust in the case of an emergency under subsection (c), the Secretary shall transfer to the trust funds of the Commodity Credit Corporation in an amount equal to, as determined by the Secretary, the amount of storage charges that will be saved by Commodity Credit Corporation due to the emergency release.

''(C) EXCHANGES.—If any commodity held in the trust is exchanged for funds under subsection (b)(1)(D)(ii)—

''(i) the funds shall be held in the trust until the date on which the funds are released in the case of an emergency under subsection (c); and

''(ii) the Secretary shall transfer to the trust funds of the Commodity Credit Corporation in an amount equal to, as determined by the Secretary, the amount of storage charges that will be saved by Commodity Credit Corporation due to the exchange.

''(D) INVESTMENT.—The Secretary—

''(i) may invest funds held in the trust in any short-term obligation of the United States or any other low-risk short-term instrument or security insured by the Federal Government in which a regulated insurance company may invest under the laws of the District of Columbia; and

''(ii) shall not invest any funds held in the trust in real estate.'';

(5) in subsection (f)(2)(A), by striking ''replenish'' and inserting ''reimburse''; and

(6) in subsection (h)—

(A) in paragraph (1), by striking ''replenish'' and inserting ''reimburse''; and

(B) in each of paragraphs (1) and (2), by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 3202. EMERGING MARKETS AND FACILITY GUARANTEE LOAN PROGRAM.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended—

(1) in subsection (a), by striking ''2007'' and inserting ''2012'';

(2) in subsection (b)—

(A) in the first sentence, by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking ''A portion'' and inserting the following:

''(1) IN GENERAL.—A portion'';

(C) in the second sentence, by striking ''The Commodity Credit Corporation'' and inserting the following:

''(2) PRIORITY.—The Commodity Credit Corporation''; and

(D) by adding at the end the following:

''(3) CONSTRUCTION WAIVER.—The Secretary may waive any applicable requirements relating to the use of United States goods in the construction of a proposed facility, if the Secretary determines that—

''(A) goods from the United States are not available; or

''(B) the use of goods from the United States is not practicable.

''(4) TERM OF GUARANTEE.—A facility payment guarantee under this subsection shall be for a term that is not more than the lesser of—

''(A) the term of the depreciation schedule of the facility assisted; or

''(B) 20 years.''; and

(3) in subsection (d)(1)(A)(i) by striking ''2007'' and inserting ''2012''.

SEC. 3203. BIOTECHNOLOGY AND AGRICULTURAL TRADE PROGRAM.

Section 1543A(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5679(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3204. TECHNICAL ASSISTANCE FOR THE RESOLUTION OF TRADE DISPUTES.

(a) IN GENERAL.—The Secretary may provide monitoring, analytic support, and other technical assistance to limited resource persons that are involved in trading agricultural commodities, as determined by the Secretary, to reduce trade barriers to the persons.

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

TITLE IV—NUTRITION PROGRAMS

Subtitle A—Food and Nutrition Program

PART I—RENAMING OF FOOD STAMP PROGRAM

SEC. 4001. RENAMING OF FOOD STAMP PROGRAM.

(a) SHORT TITLE.—The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note; Public Law 88–525) is amended by striking ''Food Stamp Act of 1977'' and inserting ''Food and Nutrition Act of 2007''.

(b) PROGRAM.—The Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) (as amended by subsection (a)) is amended by striking ''food stamp program'' each place it appears and inserting ''food and nutrition program''.

PART II—IMPROVING PROGRAM BENEFITS

SEC. 4101. EXCLUSION OF CERTAIN MILITARY PAYMENTS FROM INCOME.

Section 5(d) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(d)) is amended—

(1) by striking ''(d) Household'' and inserting ''(d) EXCLUSIONS FROM INCOME.—Household'';

(2) by striking ''only (1) any'' and inserting ''only—

''(1) any'';

(3) by indenting each of paragraphs (2) through (18) so as to align with the margin of paragraph (1) (as amended by paragraph (1));

(4) by striking the comma at the end of each of paragraphs (1) through (16) and inserting a semicolon;

(5) in paragraph (3)—

(A) by striking ''like (A) awarded'' and inserting ''like—

''(A) awarded'';

(B) by striking ''thereof, (B) to'' and inserting ''thereof;

''(B) to''; and

(C) by striking ''program, and (C) to'' and inserting ''program; and

''(C) to'';

(6) in paragraph (11), by striking ''), or (B) a'' and inserting ''); or

''(B) a'';

(7) in paragraph (17), by striking '', and'' at the end and inserting a semicolon;

(8) in paragraph (18), by striking the period at the end and inserting ''; and''; and

(9) by adding at the end the following:

''(19) any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(A) is the result of deployment to or service in a combat zone; and

''(B) was not received immediately prior to serving in a combat zone.''.

SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking ''not less than $134'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2008, $145, $248, $205, and $128, respectively; and

''(II) for fiscal year 2009 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.'';

(2) in subparagraph (B)(ii), by striking ''not less than $269'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2008, $291; and

''(II) for fiscal year 2009 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.''; and

(3) by adding at the end the following:

''(C) REQUIREMENT.—Each adjustment under subparagraphs (A)(ii)(II) and (B)(ii)(II) shall be based on the unrounded amount for the prior 12-month period.''.

SEC. 4103. SUPPORTING WORKING FAMILIES WITH CHILD CARE EXPENSES.

Section 5(e)(3)(A) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(e)(3)(A)) is amended by striking '', the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,''.

SEC. 4104. ENCOURAGING RETIREMENT AND EDUCATION SAVINGS AMONG FOOD STAMP RECIPIENTS.

(a) ALLOWABLE FINANCIAL RESOURCES.—Section 5(g) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(g)) is amended—

(1) by striking ''(g)(1) The Secretary'' and inserting the following:

''(g) ALLOWABLE FINANCIAL RESOURCES.—

''(1) TOTAL AMOUNT.—

''(A) IN GENERAL.—The Secretary'';

(2) in subparagraph (A) (as designated by paragraph (1))—

(A) by striking ''$2,000'' and inserting ''$3,500 (as adjusted in accordance with subparagraph (B))''; and

(B) by striking ''$3,000'' and inserting ''$4,500 (as adjusted in accordance with subparagraph (B))''; and

(3) by adding at the end the following:

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—Beginning on October 1, 2007, and each October 1 thereafter, the amounts in subparagraph (A) shall be adjusted and rounded down to the nearest $250 to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.''.

(b) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(1) IN GENERAL.—Section 5(g)(2)(B)(v) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(g)(2)(B)(v)) is amended by striking ''or retirement account (including an individual account)'' and inserting ''account''.

(2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

''(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

''(i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code; and

''(ii) any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

''(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).''.

(c) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—Section 5(g) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(g)) (as amended by subsection (b)) is amended by adding at the end the following:

''(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

''(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other education programs, contracts, or accounts (as determined by the Secretary).''.

SEC. 4105. FACILITATING SIMPLIFIED REPORTING.

Section 6(c)(1)(A) of the Food and Nutrition Act of 2007 (7 U.S.C. 2015(c)(1)(A)) is amended—

(1) by striking ''reporting by'' and inserting ''reporting'';

(2) in clause (i), by inserting ''for periods shorter than 4 months by'' before ''migrant'';

(3) in clause (ii), by inserting ''for periods shorter than 4 months by'' before ''households''; and

(4) in clause (iii), by inserting ''for periods shorter than 1 year by'' before ''households''.

SEC. 4106. ACCRUAL OF BENEFITS.

Section 7(i) of the Food and Nutrition Act of 2007 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

''(12) RECOVERING ELECTRONIC BENEFITS.—

''(A) IN GENERAL.—A State agency shall establish a procedure for recovering electronic benefits from the account of a household due to inactivity.

''(B) BENEFIT STORAGE.—A State agency may store recovered electronic benefits offline in accordance with subparagraph (D), if the household has not accessed the account after 6 months.

''(C) BENEFIT EXPUNGING.—A State agency shall expunge benefits that have not been accessed by a household after a period of 12 months.

''(D) NOTICE.—A State agency shall—

''(i) send notice to a household the benefits of which are stored under subparagraph (B); and

''(ii) not later than 48 hours after request by the household, make the stored benefits available to the household.''.

SEC. 4107. ELIGIBILITY FOR UNEMPLOYED ADULTS.

(a) IN GENERAL.—Section 6(o) of the Food and Nutrition Act of 2007 (7 U.S.C. 2015(o)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A) by striking ''3 months'' and inserting ''6 months''; and

(2) in paragraph (5), by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2008.

SEC. 4108. TRANSITIONAL BENEFITS OPTION.

Section 11(s)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2020(s)(1)) is amended—

(1) by striking ''benefits to a household''; and inserting ''benefits—

''(A) to a household'';

(2) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(B) at the option of the State, to a household with children that ceases to receive cash assistance under a State-funded public assistance program.''.

SEC. 4109. MINIMUM BENEFIT.

(a) IN GENERAL.—Section 8(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2017(a)) is amended by striking ''$10 per month'' and inserting ''20 percent of the thrifty food plan for a household containing 1 member''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 4110. AVAILABILITY OF COMMODITIES FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 27(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2036(a)) is amended—

(1) by striking ''(a) PURCHASE OF COMMODITIES'' and all that follows through ''through 2007'' and inserting the following:

''(a) PURCHASE OF COMMODITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), for fiscal year 2008 and each fiscal year thereafter''; and

(2) by adding at the end the following:

''(2) AMOUNTS.—In addition to the amounts made available under paragraph (1), from amounts made available to carry out this Act, the Secretary shall use to carry out this subsection—

''(A) for fiscal year 2008, $110,000,000; and

''(B) for fiscal year 2009 and each fiscal year thereafter, an amount that is equal to the amount made available for the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment of this Act.

PART III—IMPROVING PROGRAM OPERATIONS

SEC. 4201. TECHNICAL CLARIFICATION REGARDING ELIGIBILITY.

Section 6(k) of the Food and Nutrition Act of 2007 (7 U.S.C. 2015(k)) is amended—

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

(2) by striking ''No member'' and inserting the following:

''(1) IN GENERAL.—No member''; and

(3) by adding at the end the following:

''(2) PROCEDURES.—The Secretary shall issue consistent procedures—

''(A) to define the terms 'fleeing' and 'actively seeking' for purposes of this subsection; and

''(B) to ensure that State agencies use consistent procedures that disqualify individuals whom law enforcement authorities are actively seeking for the purpose of holding criminal proceedings against the individual.''.

SEC. 4202. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2007 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through ''subsection (j)) shall be'' and inserting the following:

''SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.

''(a) IN GENERAL.—Except as provided in subsection (i), EBT cards shall be'';

(2) in subsection (b)—

(A) by striking ''(b) Coupons'' and inserting the following:

''(b) USE.—Benefits''; and

(B) by striking the second proviso;

(3) in subsection (c)—

(A) by striking ''(c) Coupons'' and inserting the following:

''(c) DESIGN.—

''(1) IN GENERAL.—EBT cards'';

(B) in the first sentence, by striking ''and define their denomination''; and

(C) by striking the second sentence and inserting the following:

''(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.'';

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''coupon issuers'' each place it appears and inserting ''benefit issuers'';

(6) in subsection (f)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupon issuer'' and inserting ''benefit issuers'';

(C) by striking ''section 11(e)(20)'' and inserting ''section 11(e)(19).''; and

(D) by striking ''and allotments'';

(7) by striking subsection (g) and inserting the following:

''(g) ALTERNATIVE BENEFIT DELIVERY.—

''(1) IN GENERAL.—If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the food and nutrition program, the Secretary shall require a State agency to issue or deliver benefits using alternative methods.

''(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the food and nutrition program.

''(3) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

''(A) COUPON ISSUANCE.—Effective on the date of enactment of the Food and Energy Security Act of 2007, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives food and nutrition benefits under this Act.

''(B) EBT CARDS.—Effective beginning on the date that is 1 year after the date of enactment of the Food and Energy Security Act of 2007, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

''(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed during the 1-year period beginning on the date of enactment of the Food and Energy Security Act of 2007 shall—

''(i) no longer be an obligation of the Federal Government; and

''(ii) not be redeemable.'';

(8) in subsection (h)(1), by striking ''coupons'' and inserting ''benefits'';

(9) in subsection (j)—

(A) in paragraph (2)(A)(ii), by striking ''printing, shipping, and redeeming coupons'' and inserting ''issuing and redeeming benefits''; and

(B) in paragraph (5), by striking ''coupon'' and inserting ''benefit'';

(10) in subsection (k)—

(A) by striking ''coupons in the form of'' each place it appears and inserting ''program benefits in the form of'';

(B) by striking ''a coupon issued in the form of'' each place it appears and inserting ''program benefits in the form of''; and

(C) in subparagraph (A), by striking ''subsection (i)(11)(A)'' and inserting ''subsection (h)(11)(A)''; and

(11) by redesignating subsections (e) through (k) as subsections (d) through (j), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food and Nutrition Act of 2007 (7 U.S.C. 2012) is amended—

(A) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(B) by striking subsection (b) and inserting the following:

''(b) BENEFIT.—The term 'benefit' means the value of food and nutrition assistance provided to a household by means of—

''(1) an electronic benefit transfer under section 7(i); or

''(2) other means of providing assistance, as determined by the Secretary.'';

(C) in subsection (c), in the first sentence, by striking ''authorization cards'' and inserting ''benefits'';

(D) in subsection (d), by striking ''or access device'' and all that follows through the end of the subsection and inserting a period;

(E) in subsection (e)—

(i) by striking ''(e) 'Coupon issuer' means'' and inserting the following:

''(e) BENEFIT ISSUER.—The term 'benefit issuer' means''; and

(ii) by striking ''coupons'' and inserting ''benefits'';

(F) in subsection (g)(7), by striking ''subsection (r)'' and inserting ''subsection (j)'';

(G) in subsection (i)(5)—

(i) in subparagraph (B), by striking ''subsection (r)'' and inserting ''subsection (j)''; and

(ii) in subparagraph (D), by striking ''coupons'' and inserting ''benefits'';

(H) in subsection (j), by striking ''(as that term is defined in subsection (p))'';

(I) in subsection (k)—

(i) in paragraph (1)(A), by striking ''subsection (u)(1)'' and inserting ''subsection (r)(1)'';

(ii) in paragraph (2), by striking ''subsections (g)(3), (4), (5), (7), (8), and (9) of this section'' and inserting ''paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k)''; and

(iii) in paragraph (3), by striking ''subsection (g)(6) of this section'' and inserting ''subsection (k)(6)'';

(J) in subsection (t), by inserting '', including point of sale devices,'' after ''other means of access'';

(K) in subsection (u), by striking ''(as defined in subsection (g))''; and

(L) by adding at the end the following:

''(v) EBT CARD.—The term 'EBT card' means an electronic benefit transfer card issued under section 7(i).''; and

(M) by redesignating subsections (a) through (v) as subsections (b), (d), (f), (g), (e), (h), (k), (l), (n), (o), (p), (q), (s), (t), (u), (v), (c), (j), (m), (a), (r), and (i), respectively, and moving so as to appear in alphabetical order.

(2) Section 4(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(a)) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''Coupons issued'' and inserting ''benefits issued''.

(3) Section 5 of the Food and Nutrition Act of 2007 (7 U.S.C. 2014) is amended—

(A) in subsection (a), by striking ''section 3(i)(4)'' and inserting ''section 3(n)(4)'';

(B) in subsection (h)(3)(B), in the second sentence, by striking ''section 7(i)'' and inserting ''section 7(h)''; and

(C) in subsection (i)(2)(E), by striking '', as defined in section 3(i) of this Act,''.

(4) Section 6 of the Food and Nutrition Act of 2007 (7 U.S.C. 2015) is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''coupons or authorization cards'' and inserting ''program benefits''; and

(ii) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) in subsection (d)(4)(L), by striking ''section 11(e)(22)'' and inserting ''section 11(e)(19)''.

(5) Section 7(f) of the Food and Nutrition Act of 2007 (7 U.S.C. 2016(f)) is amended by striking ''including any losses'' and all that follows through ''section 11(e)(20),''.

(6) Section 8 of the Food and Nutrition Act of 2007 (7 U.S.C. 2017) is amended—

(A) in subsection (b), by striking '', whether through coupons, access devices, or otherwise''; and

(B) in subsections (e)(1) and (f), by striking ''section 3(i)(5)'' each place it appears and inserting ''section 3(n)(5)''.

(7) Section 9 of the Food and Nutrition Act of 2007 (7 U.S.C. 2018) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits'';

(B) in subsection (a)—

(i) in paragraph (1), by striking ''coupon business'' and inserting ''benefit transactions''; and

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

''(3) AUTHORIZATION PERIODS.—The Secretary shall establish specific time periods during which authorization to accept and redeem benefits shall be valid under the food and nutrition program.''; and

(C) in subsection (g), by striking ''section 3(g)(9)'' and inserting ''section 3(k)(9)''.

(8) Section 10 of the Food and Nutrition Act of 2007 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through ''Regulations'' and inserting the following:

''SEC. 10. REDEMPTION OF PROGRAM BENEFITS.

''Regulations'';

(B) by striking ''section 3(k)(4) of this Act'' and inserting ''section 3(p)(4)'';

(C) by striking ''section 7(i)'' and inserting ''section 7(h)''; and

(D) by striking ''coupons'' each place it appears and inserting ''benefits''.

(9) Section 11 of the Food and Nutrition Act of 2007 (7 U.S.C. 2020) is amended—

(A) in subsection (d)—

(i) by striking ''section 3(n)(1) of this Act'' each place it appears and inserting ''section 3(t)(1)''; and

(ii) by striking ''section 3(n)(2) of this Act'' each place it appears and inserting ''section 3(t)(2)'';

(B) in subsection (e)—

(i) in paragraph (8)(E), by striking ''paragraph (16) or (20)(B)'' and inserting ''paragraph (15) or (18)(B)'';

(ii) by striking paragraphs (15) and (19);

(iii) by redesignating paragraphs (16) through (18) and (20) through (25) as paragraphs (15) through (17) and (18) through (23), respectively; and

(iv) in paragraph (17) (as so redesignated), by striking ''(described in section 3(n)(1) of this Act)'' and inserting ''described in section 3(t)(1)'';

(C) in subsection (h), by striking ''coupon or coupons'' and inserting ''benefits'';

(D) by striking ''coupon'' each place it appears and inserting ''benefit'';

(E) by striking ''coupons'' each place it appears and inserting ''benefits'';

(F) in subsection (q), by striking ''section 11(e)(20)(B)'' and inserting ''subsection (e)(18)(B)''

(10) Section 13 of the Food and Nutrition Act of 2007 (7 U.S.C. 2022) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(11) Section 15 of the Food and Nutrition Act of 2007 (7 U.S.C. 2024) is amended—

(A) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(B) in subsection (b)(1)—

(i) by striking ''coupons, authorization cards, or access devices'' each place it appears and inserting ''benefits'';

(ii) by striking ''coupons or authorization cards'' and inserting ''benefits''; and

(iii) by striking ''access device'' each place it appears and inserting ''benefit'';

(C) in subsection (c), by striking ''coupons'' each place it appears and inserting ''benefits'';

(D) in subsection (d), by striking ''Coupons'' and inserting ''Benefits'';

(E) by striking subsections (e) and (f);

(F) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively; and

(G) in subsection (e) (as so redesignated), by striking ''coupon, authorization cards or access devices'' and inserting ''benefits''.

(12) Section 16(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(a)) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(13) Section 17 of the Food and Nutrition Act of 2007 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking ''coupon'' and inserting ''benefit'';

(B) in subsection (b)(1)—

(i) in subparagraph (B)—

(I) in clause (iv)—

(aa) in subclause (I), inserting ''or otherwise providing benefits in a form not restricted to the purchase of food'' after ''of cash'';

(bb) in subclause (III)(aa), by striking ''section 3(i)'' and inserting ''section 3(n)''; and

(cc) in subclause (VII), by striking ''section 7(j)'' and inserting ''section 7(i)''; and

(II) in clause (v)—

(aa) by striking ''countersigned food coupons or similar''; and

(bb) by striking ''food coupons'' and inserting ''EBT cards''; and

(ii) in subparagraph (C)(i)(I), by striking ''coupons'' and inserting ''EBT cards'';

(C) in subsection (f), by striking ''section 7(g)(2)'' and inserting ''section 7(f)(2)''; and

(D) in subsection (j), by striking ''coupon'' and inserting ''benefit''.

(14) Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2007 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking ''section 3(o)(4)'' and inserting ''section 3(u)(4)''.

(15) Section 21 of the Food and Nutrition Act of 2007 (7 U.S.C. 2030) is amended—

(A) in subsection (b)(2)(G)(i), by striking ''and (19)'' and inserting ''(and (17)'';

(B) in subsection (d)(3), by striking ''food coupons'' and inserting ''EBT cards''; and

(C) by striking ''coupons'' each place it appears and inserting ''EBT cards''.

(16) Section 22 of the Food and Nutrition Act of 2007 (7 U.S.C. 2031) is amended—

(A) by striking ''food coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(C) in subsection (g)(1)(A), by striking ''coupon'' and inserting ''benefits''.

(17) Section 26(f)(3) of the Food and Nutrition Act of 2007 (7 U.S.C. 2035(f)(3)) is amended—

(A) in subparagraph (A), by striking ''subsections (a) through (g)'' and inserting ''subsections (a) through (f)''; and

(B) in subparagraph (E), by striking ''(16), (18), (20), (24), and (25)'' and inserting ''(15), (17), (18), (22), and (23)''.

(c) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—

(A) USE OF TERMS.—Each provision of law described in subparagraph (B) is amended (as applicable)—

(i) by striking ''coupons'' each place it appears and inserting ''benefits'';

(ii) by striking ''coupon'' each place it appears and inserting ''benefit'';

(iii) by striking ''food coupons'' each place it appears and inserting ''benefits'';!!!

(iv) in each section heading, by striking ''**FOOD COUPONS**'' each place it appears and inserting ''**BENEFITS**'';

(v) by striking ''food stamp coupon'' each place it appears and inserting ''benefit''; and

(vi) by striking ''food stamps'' each place it appears and inserting ''benefits''.

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418).

(ii) Section 1956(c)(7)(D) of title 18, United States Code.

(iii) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(iv) Section 401(b)(3) of the Social Security Amendments of 1972 (42 U.S.C. 1382e note; Public Law 92–603).

(v) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(vi) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)).

(2) DEFINITION REFERENCES.—

(A) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418) is amended by striking ''section 3(k)(1)'' and inserting ''section 3(p)(1)''.

(B) Section 205 of the Food Stamp Program Improvements Act of 1994 (7 U.S.C. 2012 note; Public Law 103–225) is amended by striking

''section 3(k) of such Act (as amended by section 201)'' and inserting ''section 3(p) of that Act''.

(C) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(i) by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''; and

(ii) in subsection (e)(2), by striking ''section 3(m)'' and inserting ''section 3(s)''.

(D) Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)) is amended—

(i) in paragraph (2)(F)(ii), by striking ''section 3(r)'' and inserting ''section 3(j)''; and

(ii) in paragraph (3)(B), by striking ''section 3(h)'' and inserting ''section 3(l)''.

(E) Section 3803(c)(2)(C)(vii) of title 31, United States Code, is amended by striking ''section 3(h)'' and inserting ''section 3(l)''.

(F) Section 303(d)(4) of the Social Security Act (42 U.S.C. 503(d)(4)) is amended by striking ''section 3(n)(1)'' and inserting ''section 3(t)(1)''.

(G) Section 404 of the Social Security Act (42 U.S.C. 604) is amended by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''.

(H) Section 531 of the Social Security Act (42 U.S.C. 654) is amended by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''.

(I) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)) is amended by striking ''(as defined in section 3(e) of such Act)''.

(d) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to a ''coupon'', ''authorization card'', or other access device provided under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to a ''benefit'' provided under that Act.

SEC. 4203. CLARIFICATION OF SPLIT ISSUANCE.

Section 7(h) of the Food and Nutrition Act of 2007 (7 U.S.C. 2016(h)) is amended by striking paragraph (2) and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Any procedure established under paragraph (1) shall—

''(i) not reduce the allotment of any household for any period; and

''(ii) ensure that no household experiences an interval between issuances of more than 40 days.

''(B) MULTIPLE ISSUANCES.—The procedure may include issuing benefits to a household in more than 1 issuance only when a benefit correction is necessary.''.

SEC. 4204. STATE OPTION FOR TELEPHONIC SIGNATURE.

Section 11(e)(2)(C) of the Food and Nutrition Act of 2007 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by striking ''Nothing in this Act'' and inserting the following:

''(C) ELECTRONIC AND AUTOMATED SYSTEMS.—

''(i) IN GENERAL.—Nothing in this Act''; and

(2) by adding at the end the following:

''(ii) STATE OPTION FOR TELEPHONIC SIGNATURE.—A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone.

''(iii) REQUIREMENTS.—A system established under clause (ii) shall—

''(I) record for future reference the verbal assent of the household member and the information to which assent was given;

''(II) include effective safeguards against impersonation, identity theft, and invasions of privacy;

''(III) not deny or interfere with the right of the household to apply in writing;

''(IV) promptly provide to the household member a written copy of the completed application, with instructions for a simple procedure for correcting any errors or omissions;

''(V) comply with paragraph (1)(B);

''(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the food and nutrition program, with the date on which the household member provides verbal assent considered as the date of application for all purposes; and

''(VII) comply with such other standards as the Secretary may establish.''.

SEC. 4205. PRIVACY PROTECTIONS.

Section 11(e)(8) of the Food and Nutrition Act of 2007 (7 U.S.C. 2020(e)(8)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''limit'' and inserting ''prohibit''; and

(B) by striking ''to persons'' and all that follows through ''State programs'';

(2) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following:

''(A) the safeguards shall permit—

''(i) the disclosure of such information to persons directly connected with the administration or enforcement of the provisions of this Act, regulations issued pursuant to this Act, Federal assistance programs, or federally-assisted State programs; and

''(ii) the subsequent use of the information by persons described in clause (i) only for such administration or enforcement;''; and

(4) in subparagraph (F) (as so redesignated) by inserting ''or subsection (u)'' before the semicolon at the end.

SEC. 4206. STUDY ON COMPARABLE ACCESS TO FOOD AND NUTRITION ASSISTANCE FOR PUERTO RICO.

(a) IN GENERAL.—The Secretary shall carry out a study of the feasibility and effects of including the Commonwealth of Puerto Rico in the definition of the term ''State'' under section 3 of the Food and Nutrition Act of 2007 (7 U.S.C. 2012), in lieu of providing block grants under section 19 of that Act (7 U.S.C. 2028).

(b) INCLUSIONS.—The study shall include—

(1) an assessment of the administrative, financial management, and other changes that would be necessary for the Commonwealth to establish a comparable food and nutrition program, including compliance with appropriate program rules under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq,), such as—

(A) benefit levels under section 3(o) of that Act (7 U.S.C. 3012(o));

(B) income eligibility standards under sections 5(c) and 6 of that Act (7 U.S.C. 2014(c), 2015); and

(C) deduction levels under section 5(e) of that Act (7 U.S.C. 2014(e));

(2) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

(3) an assessment of the impact of the program on low-income Puerto Ricans, as compared to the program under section 19 of that Act (7 U.S.C. 2028);

(4) such other matters as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under this section.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2008, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $1,000,000, to remain available until expended.

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

SEC. 4207. CIVIL RIGHTS COMPLIANCE.

Section 11 of the Food and Nutrition Act of 2007 (7 U.S.C. 2020) is amended by striking subsection (c) and inserting the following:

''(c) CIVIL RIGHTS COMPLIANCE.—

''(1) IN GENERAL.—In the certification of applicant households for the food and nutrition program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

''(2) RELATION TO OTHER LAWS.—The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

''(A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

''(B) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).''.

SEC. 4208. EMPLOYMENT, TRAINING, AND JOB RETENTION.

Section 6(d)(4) of the Food and Nutrition Act of 2007 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clause (vii) as clause (viii); and

(B) by inserting after clause (vi) the following:

''(vii) Programs intended to ensure job retention by providing job retention services, if the job retention services are provided for a period of not more than 90 days after an individual who received employment and training services under this paragraph gains employment.''; and

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

''(iii) Any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).''.

SEC. 4209. CODIFICATION OF ACCESS RULES.

Section 11(e)(1)) of the Food and Nutrition Act of 2007 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking ''shall (A) at'' and inserting ''shall—

''(A) at''; and

(2) by striking ''and (B) use'' and inserting ''and

''(B) comply with regulations of the Secretary requiring the use of''.

SEC. 4210. EXPANDING THE USE OF EBT CARDS AT FARMERS' MARKETS.

(a) IN GENERAL.—For each of fiscal years 2008 through 2010, the Secretary shall make grants to pay 100 percent of the costs of eligible entities approved by the Secretary to carry out projects to expand the number of farmers' markets that accept EBT cards by—

(1) providing equipment and training necessary for farmers' markets to accept EBT cards;

(2) educating and providing technical assistance to farmers and farmers' market operators about the process and benefits of accepting EBT cards; or

(3) other activities considered to be appropriate by the Secretary.

(b) LIMITATION.—A grant under this section—

(1) may not be made for the ongoing cost of carrying out any project; and

(2) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

(1) a State agency administering the food and nutrition program established under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.);

(2) a State agency or local government; or

(3) a private nonprofit entity that coordinates farmers' markets in a State in cooperation with a State or local government.

(d) SELECTION OF ELIGIBLE ENTITIES.—The Secretary—

(1) shall develop criteria to select eligible entities to receive grants under this section; and

(2) may give preference to any eligible entity that consists of a partnership between a government entity and a nongovernmental entity.

(e) MANDATORY FUNDING.—

(1) IN GENERAL.—On October 1, 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $5,000,000, to remain available until expended.

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

SEC. 4211. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.

Section 11 of the Food and Nutrition Act of 2007 (7 U.S.C. 2020) is amended by striking subsection (a) and inserting the following:

''(a) STATE RESPONSIBILITY.—

''(1) IN GENERAL.—The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

''(2) LOCAL ADMINISTRATION.—The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 3(t)(1).

''(3) RECORDS.—

''(A) IN GENERAL.—Each State agency shall keep such records as may be necessary to determine whether the program is being conducted in compliance with this Act (including regulations issued under this Act).

''(B) INSPECTION AND AUDIT.—Records described in subparagraph (A) shall—

''(i) be available for inspection and audit at any reasonable time;

''(ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this Act (including regulations issued under this Act); and

''(iii) be preserved for such period of not less than 3 years as may be specified in regulations.

''(4) REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.—

''(A) IN GENERAL.—The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

''(i) large or substantially-increased numbers of low-income households that do not live in reasonable proximity to an office performing the major functions described in subsection (e);

''(ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);

''(iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 6(c); and

''(iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).

''(B) NOTIFICATION.—If a State agency implements a major change in operations, the State agency shall—

''(i) notify the Secretary; and

''(ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).''.

SEC. 4212. PRESERVATION OF ACCESS AND PAYMENT ACCURACY.

Section 16 of the Food and Nutrition Act of 2007 (7 U.S.C. 2025) is amended by striking subsection (g) and inserting the following:

''(g) COST SHARING FOR COMPUTERIZATION.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary is authorized to pay to each State agency the amount provided under subsection (a)(6) for the costs incurred by the State agency in the planning, design, development, or installation of 1 or more automatic data processing and information retrieval systems that the Secretary determines—

''(A) would assist in meeting the requirements of this Act;

''(B) meet such conditions as the Secretary prescribes;

''(C) are likely to provide more efficient and effective administration of the food and nutrition program;

''(D) would be compatible with other systems used in the administration of State programs, including the program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(E) would be tested adequately before and after implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

''(F) would be operated in accordance with an adequate plan for—

''(i) continuous updating to reflect changed policy and circumstances; and

''(ii) testing the effect of the system on access for eligible households and on payment accuracy.

''(2) LIMITATION.—The Secretary shall not make payments to a State agency under paragraph (1) to the extent that the State agency—

''(A) is reimbursed for the costs under any other Federal program; or

''(B) uses the systems for purposes not connected with the food and nutrition program.''.

SEC. 4213. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting ''and through an approved State plan, nutrition education'' after ''an allotment''.

(b) IMPLEMENTATION.—Section 11 of the Food and Nutrition Act of 2007 (7 U.S.C. 2020(f) is amended by striking subsection (f) and inserting the following:

''(f) NUTRITION EDUCATION.—

''(1) IN GENERAL.—State agencies may implement a nutrition education program for individuals eligible for program benefits that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(2) DELIVERY OF NUTRITION EDUCATION.—State agencies may deliver nutrition education directly to eligible persons or through agreements with the Cooperative State Research, Education, and Extension Service, including through the expanded food and nutrition education under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

''(3) NUTRITION EDUCATION STATE PLANS.—

''(A) IN GENERAL.—A State agency that elects to provide nutrition education under this subsection shall submit a nutrition education State plan to the Secretary for approval.

''(B) REQUIREMENTS.—The plan shall—

''(i) identify the uses of the funding for local projects; and

''(ii) conform to standards established by the Secretary through regulations or guidance.

''(C) REIMBURSEMENT.—State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

''(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.''.

PART IV—IMPROVING PROGRAM INTEGRITY

SEC. 4301. MAJOR SYSTEMS FAILURES.

(a) IN GENERAL.—Section 13(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

''(5) OVER ISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.—

''(A) IN GENERAL.—If the Secretary determines that a State agency over issued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as determined by the Secretary, the Secretary may prohibit the State agency from collecting these over issuances from some or all households.

''(B) PROCEDURES.—

''(i) INFORMATION REPORTING BY STATES.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance of benefits to households by the State agency in the applicable fiscal year.

''(ii) FINAL DETERMINATION.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

''(I) whether the State agency over issued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

''(II) as to the amount of the over issuance in the applicable fiscal year for which the State agency is liable.

''(iii) ESTABLISHING A CLAIM.—Upon determining under clause (ii) that a State agency has over issued benefits to households due to a major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the over issuance caused by the systemic error.

''(iv) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

''(v) REMISSION TO THE SECRETARY.—

''(I) DETERMINATION NOT APPEALED.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

''(II) DETERMINATION APPEALED.—If the determination of the Secretary under clause

(ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding of the administrative and judicial review.

''(vi) ALTERNATIVE METHOD OF COLLECTION.—

''(I) IN GENERAL.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

''(II) ACCRUAL OF INTEREST.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

''(vii) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.''.

(b) CONFORMING AMENDMENT.—Section 14(a)(6) of the Food and Nutrition Act of 2007 (7 U.S.C. 2023(a)(6)) is amended by striking ''pursuant to section'' and inserting ''pursuant to section 13(b)(5) and''.

SEC. 4302. PERFORMANCE STANDARDS FOR BIOMETRIC IDENTIFICATION TECHNOLOGY.

Section 16 of the Food and Nutrition Act of 2007 (7 U.S.C. 2025) is amended by adding at the end the following:

''(l) PERFORMANCE STANDARDS FOR BIOMETRIC IDENTIFICATION TECHNOLOGY.—

''(1) DEFINITION OF BIOMETRIC IDENTIFICATION TECHNOLOGY.—In this subsection, the term 'biometric identification technology' means a technology that provides an automated method to identify an individual based on physical characteristics, such as fingerprints or retinal scans.

''(2) ADMINISTRATIVE FUNDS.—The Secretary may not pay a State agency any amount for administrative costs for the development, purchase, administration, or other costs associated with the use of biometric identification technology unless the State agency has, under such terms and conditions as the Secretary considers appropriate—

''(A) provided to the Secretary an analysis of the cost-effectiveness of the use of the proposed biometric identification technology to detect fraud in carrying out the food and nutrition program;

''(B) demonstrated to the Secretary that the analysis is—

''(i) statistically valid; and

''(ii) based on appropriate and valid assumptions for the households served by the food and nutrition program;

''(C) demonstrated to the Secretary that—

''(i) the proposed biometric identification technology is cost-effective in reducing fraud; and

''(ii) there are no other technologies or fraud-detection methods that are at least as cost-effective in carrying out the purposes of the proposed biometric identification system; and

''(D) demonstrated to the Secretary that no information produced by or used in the biometric information technology system will be made available or used for any purpose other than a purpose allowed under section 11(e)(8).

''(3) STANDARDS.—The Secretary shall establish uniform standards for the evaluation of cost-effectiveness analyses submitted to the Secretary under paragraph (2).''.

SEC. 4303. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food and Nutrition Act of 2007 (7 U.S.C. 2021) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 12. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

''(a) DISQUALIFICATION.—

''(1) IN GENERAL.—An approved retail food store or wholesale food concern that violates a provision of this Act or a regulation under this Act may be—

''(A) disqualified for a specified period of time from further participation in the food and nutrition program; or

''(B) assessed a civil penalty of up to $100,000 for each violation.

''(2) REGULATIONS.—Regulations promulgated under this Act shall provide criteria for the finding of a violation of, the suspension or disqualification of, and the assessment of a civil penalty against, a retail food store or wholesale food concern on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, or evidence obtained through a transaction report under an electronic benefit transfer system.'';

(2) in subsection (b)—

(A) by striking ''(b) Disqualification'' and inserting the following:

''(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification'';

(B) in paragraph (1), by striking ''of no less than six months nor more than five years'' and inserting ''not to exceed 5 years'';

(C) in paragraph (2), by striking ''of no less than twelve months nor more than ten years'' and inserting ''not to exceed 10 years'';

(D) in paragraph (3)(B)—

(i) by inserting ''or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards'' after ''concern'' the first place it appears; and

(ii) by striking ''civil money penalties'' and inserting ''civil penalties''; and

(E) by striking ''civil money penalty'' each place it appears and inserting ''civil penalty'';

(3) in subsection (c)—

(A) by striking ''(c) The action'' and inserting the following:

''(c) CIVIL PENALTY AND REVIEW OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

''(1) CIVIL PENALTY.—In addition to a disqualification under this section, the Secretary may assess a civil penalty in an amount not to exceed $100,000 for each violation.

''(2) REVIEW.—The action''; and

(B) in paragraph (2) (as designated by subparagraph (A)), by striking ''civil money penalty'' and inserting ''civil penalty'';

(4) in subsection (d)—

(A) by striking ''(d)'' and all that follows through ''. The Secretary shall'' and inserting the following:

''(d) CONDITIONS OF AUTHORIZATION.—

''(1) IN GENERAL.—As a condition of authorization to accept and redeem benefits, the Secretary may require a retail food store or wholesale food concern that, pursuant to subsection (a), has been disqualified for more than 180 days, or has been subjected to a civil penalty in lieu of a disqualification period of more than 180 days, to furnish a collateral bond or irrevocable letter of credit for a period of not more than 5 years to cover the value of benefits that the store or concern may in the future accept and redeem in violation of this Act.

''(2) COLLATERAL.—The Secretary also may require a retail food store or wholesale food concern that has been sanctioned for a violation and incurs a subsequent sanction regardless of the length of the disqualification period to submit a collateral bond or irrevocable letter of credit.

''(3) BOND REQUIREMENTS.—The Secretary shall'';

(B) by striking ''If the Secretary finds'' and inserting the following:

''(4) FORFEITURE.—If the Secretary finds''; and

(C) by striking ''Such store or concern'' and inserting the following:

''(5) HEARING.—A store or concern described in paragraph (4)'';

(5) in subsection (e), by striking ''civil money penalty'' each place it appears and inserting ''civil penalty''; and

(6) by adding at the end the following:

''(h) FLAGRANT VIOLATIONS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Inspector General of the Department of Agriculture, shall establish procedures under which the processing of program benefit redemptions for a retail food store or wholesale food concern may be immediately suspended pending administrative action to disqualify the retail food store or wholesale food concern.

''(2) REQUIREMENTS.—Under the procedures described in paragraph (1), if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act (including regulations promulgated under this Act), unsettled program benefits that have been redeemed by the retail food store or wholesale food concern—

''(A) may be suspended; and

''(B)(i) if the program disqualification is upheld, may be subject to forfeiture pursuant to subsection (g); or

''(ii) if the program disqualification is not upheld, shall be released to the retail food store or wholesale food concern.

''(3) NO LIABILITY FOR INTEREST.—The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.''.

SEC. 4304. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

(a) IN GENERAL.—Section 16(h)(1)(A) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(h)(1)(A)) is amended in subparagraph (A), by striking ''to remain available until expended'' and inserting ''to remain available for 2 fiscal years''.

(b) RESCISSION OF FUNDS.—Notwithstanding any other provision of law, funds provided under section 16(h)(1)(A) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(h)(1)(A)) for any fiscal year before the fiscal year beginning October 1, 2007, shall be rescinded on the date of enactment of this Act, unless obligated by a State agency before that date.

SEC. 4305. ELIGIBILITY DISQUALIFICATION.

Section 6 of the Food and Nutrition Assistance Act of 2007 (7 U.S.C. 2015) is amended by adding at the end the following:

''(p) DISQUALIFICATION FOR OBTAINING CASH BY DESTROYING FOOD AND COLLECTING DEPOSITS.—Any person who has been found by a State or Federal court or administrative agency or in a hearing under subsection (b) to have intentionally obtained cash by purchasing products with food and nutrition benefits that have containers that require return deposits, discarding the product, and returning the container for the deposit amount shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.

''(q) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH FOOD AND NUTRITION BENEFITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency or in a hearing under

subsection (b) to have intentionally sold any food that was purchased using food and nutrition benefits shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.''.

PART V—MISCELLANEOUS

SEC. 4401. DEFINITION OF STAPLE FOODS.

Subsection (r) of section 3 of the Food and Nutrition Act of 2007 (7 U.S.C. 2012) (as redesignated by section 4202(b)(1)(M)) is amended—

(1) by striking ''(r)(1) Except'' and inserting the following:

''(r) STAPLE FOODS.—

''(1) IN GENERAL.—Except''; and

(2) by striking paragraph (2) and inserting the following:

''(2) EXCEPTIONS.—The term 'staple foods' does not include accessory food items, such as coffee, tea, cocoa, carbonate and uncarbonated drinks, candy, condiments, and spices, or dietary supplements.

''(3) DEPTH OF STOCK.—The Secretary may issue regulations to define depth of stock to ensure that stocks of staple foods are available on a continuous basis.''.

SEC. 4402. ACCESSORY FOOD ITEMS.

Section 9(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2018(a)) is amended by adding at the end the following:

''(4) ACCESSORY FOOD ITEMS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations providing that a dietary supplement shall not be considered an accessory food item unless the dietary supplement—

''(i) contains folic acid or calcium in accordance with sections 101.72 and 101.79 of title 21, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) is a multivitamin-mineral supplement that—

''(I) provides at least ⅔ of the essential vitamins and minerals at 100 percent of the daily value levels, as determined by the Food and Drug Administration; and

''(II) does not exceed the daily upper limit for those nutrients for which an established daily upper limit has been determined by the Institute of Medicine of the National Academy of Sciences.

''(B) FINAL REGULATIONS.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall promulgate final regulations in accordance with subparagraph (A).

''(C) PURCHASE OF DIETARY SUPPLEMENTS.—No dietary supplements may be purchased using benefits under this Act until the earlier of—

''(i) the date on which the Secretary promulgates final regulations under subparagraph (B); or

''(ii) the date on which the Secretary certifies a voluntary system of labeling for the ready and accurate identification of eligible dietary supplements, as developed by the Secretary in consultation with the dietary supplement industry and dietary supplement retailers.''.

SEC. 4403. PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE FOOD AND NUTRITION PROGRAM.

Section 17 of the Food and Nutrition Act of 2007 (7 U.S.C. 2026) is amended by adding at the end the following:

''(k) PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE FOOD AND NUTRITION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to develop and test methods—

''(A) of using the food and nutrition program to improve the dietary and health status of households participating in the food and nutrition program; and

''(B) to reduce overweight, obesity, and associated co-morbidities in the United States.

''(2) PROJECTS.—Pilot projects carried out under paragraph (1) may include projects to determine whether healthier food purchases by and healthier diets among households participating in the food and nutrition program result from projects that—

''(A) increase the food and nutrition assistance purchasing power of the participating households by providing increased food and nutrition assistance benefit allotments to the participating households;

''(B) increase access to farmers markets by participating households through the electronic redemption of food and nutrition assistance at the farmers markets;

''(C) provide incentives to authorized food and nutrition program vendors to increase the availability of healthy foods to participating households;

''(D) subject authorized food and nutrition program vendors to stricter vendor requirements with respect to carrying and stocking healthy foods;

''(E) provide incentives at the point of purchase to encourage participating households to purchase fruits, vegetables, or other healthy foods; or

''(F) provide to participating households integrated communication and education programs, including the provision of funding for a portion of a school based nutrition coordinator to implement a broad nutrition action plan and parent nutrition education programs in elementary schools, separately or in combination with pilot projects carried out under subparagraphs (A) through (E).

''(3) DURATION.—A pilot project carried out under this subsection shall have a term of not more than 5 years.

''(4) EVALUATIONS AND REPORTS.—

''(A) EVALUATIONS.—

''(i) INDEPENDENT EVALUATION.—

''(I) IN GENERAL.—The Secretary shall provide for an independent evaluation of each pilot project under this subsection that measures the impact of the pilot program on health and nutrition as described in paragraph (1).

''(II) REQUIREMENT.—The independent evaluation under subclause (I) shall use rigorous methodologies, particularly random assignment or other methods that are capable of producing scientifically-valid information regarding which activities are effective.

''(ii) COSTS.—The Secretary may use funds provided to carry out this section to pay costs associated with monitoring and evaluating each pilot project.

''(B) REPORTS.—Not later than 90 days after the last day of fiscal year 2008 and each fiscal year thereafter until the completion of the last evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

''(i) the status of each pilot project;

''(ii) the results of the evaluation completed during the previous fiscal year; and

''(iii) to the maximum extent practicable—

''(I) the impact of the pilot project on appropriate health, nutrition, and associated behavioral outcomes among households participating in the pilot project;

''(II) baseline information relevant to the stated goals and desired outcomes of the pilot project; and

''(III) equivalent information about similar or identical measures among control or comparison groups that did not participate in the pilot project.

''(5) FUNDING.—

''(A) IN GENERAL.—Out of any funds made available under section 18, the Secretary shall use $50,000,000 to carry out this section, to remain available until expended.

''(B) USE OF FUNDS.—Of funds made available under subparagraph (A), the Secretary shall use not more than $25,000,000 to carry out a pilot project described in paragraph (2)(E).''.

SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

(a) IN GENERAL.—The Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

''SEC. 28. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

''(a) SHORT TITLE.—This section may be cited as the 'Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2007'.

''(b) FINDINGS.—Congress finds that—

''(1) there is a critical need for compassionate individuals who are committed to assisting people who suffer from hunger to initiate and administer solutions to the hunger problem;

''(2) Bill Emerson, the distinguished late Representative from the 8th District of Missouri, demonstrated—

''(A) his commitment to solving the problem of hunger in a bipartisan manner;

''(B) his commitment to public service; and

''(C) his great affection for the institution and ideals of the United States Congress;

''(3) George T. (Mickey) Leland, the distinguished late Representative from the 18th District of Texas, demonstrated—

''(A) his compassion for those in need;

''(B) his high regard for public service; and

''(C) his lively exercise of political talents;

''(4) the special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all;

''(5) these 2 outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others; and

''(6) it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

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

''(1) DIRECTOR.—The term 'Director' means the head of the Congressional Hunger Center.

''(2) FELLOW.—The term 'fellow' means—

''(A) a Bill Emerson Hunger Fellow; or

''(B) Mickey Leland Hunger Fellow

''(3) FELLOWSHIP PROGRAMS.—The term 'Fellowship Programs' means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under subsection (d)(1).

''(d) FELLOWSHIP PROGRAMS.—

''(1) IN GENERAL.—There is established the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

''(2) PURPOSES.—

''(A) IN GENERAL.—The purposes of the Fellowship Programs are—

''(i) to encourage future leaders of the United States—

''(I) to pursue careers in humanitarian and public service;

''(II) to recognize the needs of low-income people and hungry people;

''(III) to provide assistance to people in need; and

''(IV) to seek public policy solutions to the challenges of hunger and poverty;

''(ii) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities; and

''(iii) to increase awareness of the importance of public service.

''(B) BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—The purpose of the Bill Emerson Hunger Fellowship Program is to address hunger and poverty in the United States.

''(C) MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—The purpose of the Mickey Leland Hunger Fellowship Program is to address international hunger and other humanitarian needs.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to enter into a contract with the Congressional Hunger Center to administer the Fellowship Programs.

''(B) TERMS OF CONTRACT.—The terms of the contract entered into under subparagraph (A), including the length of the contract and provisions for the alteration or termination of the contract, shall be determined by the Secretary in accordance with this section.

''(e) FELLOWSHIPS.—

''(1) IN GENERAL.—The Director shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

''(2) CURRICULUM.—

''(A) IN GENERAL.—The Fellowship Programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (d)(2), including—

''(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

''(ii) providing experience in policy development through placement in a governmental entity or nongovernmental, nonprofit, or private sector organization.

''(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Director shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

''(3) PERIOD OF FELLOWSHIP.—

''(A) BILL EMERSON HUNGER FELLOW.—A Bill Emerson Hunger Fellowship awarded under this section shall be for not more than 15 months.

''(B) MICKEY LELAND HUNGER FELLOW.—A Mickey Leland Hunger Fellowship awarded under this section shall be for not more than 2 years.

''(4) SELECTION OF FELLOWS.—

''(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Director.

''(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

''(i) an intent to pursue a career in humanitarian services and outstanding potential for such a career;

''(ii) leadership potential or actual leadership experience;

''(iii) diverse life experience;

''(iv) proficient writing and speaking skills;

''(v) an ability to live in poor or diverse communities; and

''(vi) such other attributes as are considered to be appropriate by the Director.

''(5) AMOUNT OF AWARD.—

''(A) IN GENERAL.—A fellow shall receive—

''(i) a living allowance during the term of the Fellowship; and

''(ii) subject to subparagraph (B), an end-of-service award.

''(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Director.

''(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

''(i) the Department of Agriculture;

''(ii) the Congressional Hunger Center; or

''(iii) a host agency in the field or policy placement of the fellow.

''(D) RECOGNITION OF FELLOWSHIP AWARD.—

''(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an 'Emerson Fellow'.

''(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a 'Leland Fellow'.

''(6) EVALUATIONS AND AUDITS.—Under terms stipulated in the contract entered into under subsection (d)(3), the Director shall—

''(A) conduct periodic evaluations of the Fellowship Programs; and

''(B) arrange for annual independent financial audits of expenditures under the Fellowship Programs.

''(f) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Director may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

''(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

''(g) REPORT.—The Director shall annually submit to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(1) describes the activities and expenditures of the Fellowship Programs during the preceding fiscal year, including expenditures made from funds made available under subsection (h); and

''(2) includes the results of evaluations and audits required by subsection (f).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.''.

(b) REPEAL.—Section 4404 of the Farm Security and Rural Investment Act of 2002 (2 U.S.C. 1161) is repealed.

SEC. 4405. HUNGER-FREE COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) DOMESTIC HUNGER GOAL.—The term ''domestic hunger goal'' means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term ''food security'' means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) HUNGER REPORTS.—

(1) STUDY.—

(A) TIMELINE.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(ii) UPDATE.—Not later than 5 years after the date on which the study under clause (i) is conducted, the Secretary shall update the study.

(B) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary in the study and update under this paragraph shall include—

(i) data on hunger and food insecurity in the United States;

(ii) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(iii) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals.

(2) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(A) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(B) otherwise reducing domestic hunger.

(3) REPORT.—The Secretary shall submit to the President and Congress—

(A) not later than 1 year after the date of enactment of this Act, a report that contains—

(i) a detailed statement of the results of the study, or the most recent update to the study, conducted under paragraph (1)(A); and

(ii) the most recent recommendations of the Secretary under paragraph (2); and

(B) not later than 5 years after the date of submission of the report under subparagraph (A), an update of the report.

(c) HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.—

(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ''eligible entity'' means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 55 percent of any funds made available under subsection (f) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (4).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(C) NON-FEDERAL SHARE.—

(i) CALCULATION.—The non-Federal share of the cost of an activity under this subsection may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(ii) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this subsection through a State government, a local government, or a private source.

(3) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (4) that the grant will be used to fund;

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity;

(iii) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(iv) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(v) if an assessment described in paragraph (4)(A) has been performed, include—

(I) a summary of that assessment; and

(II) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that—

(i) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(ii)(I) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(II) provide evidence of long-term efforts to reduce hunger in the community;

(III) provide evidence of public support for the efforts of the eligible entity; or

(IV) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(4) USE OF FUNDS.—

(A) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(i) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in clause (ii) may use a grant received under this subsection to perform the assessment for the community.

(ii) ASSESSMENT.—The assessment referred to in clause (ii) shall include—

(I) an analysis of the problem of hunger in the community served by the eligible entity;

(II) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(III) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(IV) a plan to achieve any other hunger-free communities goal in the community.

(B) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this subsection for any fiscal year for activities of the eligible entity, including—

(i) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(I) distributing food;

(II) providing community outreach; or

(III) improving access to food as part of a comprehensive service;

(ii) developing new resources and strategies to help reduce hunger in the community;

(iii) establishing a program to achieve a hunger-free communities goal in the community, including—

(I) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(II) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(iv) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

(d) HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.—

(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ''eligible entity'' means an emergency feeding organization (as defined in section 201A(4) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501(4))).

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 45 percent of any funds made available under subsection (f) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (4).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(3) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (4) that the grant will be used to fund; and

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity serves a community that has carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(4) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection for any fiscal year to carry out activities of the eligible entity, including—

(A) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community;

(B) assisting an emergency feeding organization in the community in obtaining locally-produced produce and protein products; and

(C) assisting an emergency feeding organization in the community to process and serve wild game.

(e) REPORT.—If funds are made available under subsection (f), not later than September 30, 2012, the Secretary shall submit to Congress a report describing—

(1) each grant made under this section, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this section in achieving domestic hunger goals.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 4406. STATE PERFORMANCE ON ENROLLING CHILDREN RECEIVING PROGRAM BENEFITS FOR FREE SCHOOL MEALS.

(a) IN GENERAL.—Not later than June 30 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that assesses the effectiveness of each State in enrolling school-aged children in households receiving program benefits under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) (referred to in this section as ''program benefits'') for free school meals using direct certification.

(b) SPECIFIC MEASURES.—The assessment of the Secretary of the performance of each State shall include—

(1) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year;

(2) an estimate of the number of school-aged children, by State, who were directly certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), based on receipt of program benefits, as of October 1 of the prior year; and

(3) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year who were not candidates for direct certification because on October 1 of the prior year the children attended a school operating under the special assistance provisions of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) that is not operating in a base year.

(c) PERFORMANCE INNOVATIONS.—The report of the Secretary shall describe best practices from States with the best performance or the most improved performance from the previous year.

Subtitle B—Food Distribution Program on Indian Reservations

SEC. 4501. ASSESSING THE NUTRITIONAL VALUE OF THE FDPIR FOOD PACKAGE.

(a) IN GENERAL.—Section 4 of the Food and Nutrition Act of 2007 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

''(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

''(1) IN GENERAL.—Distribution of commodities, with or without the food and nutrition program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

''(B) ADMINISTRATION BY TRIBAL ORGANIZATION.—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in paragraph (1), then the tribal organization shall administer the distribution.

''(C) PROHIBITION.—The Secretary shall not approve any plan for a distribution described in paragraph (1) that permits any household on any Indian reservation to participate simultaneously in the food and nutrition program and the distribution of federally donated foods.

''(3) DISQUALIFIED PARTICIPANTS.—An individual who is disqualified from participation in the food distribution program on Indian reservations under this subsection is not eligible to participate in the food and nutrition program under this Act.

''(4) ADMINISTRATIVE COSTS.—The Secretary is authorized to pay such amounts for administrative costs and distribution costs on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

''(5) BISON MEAT.—Subject to the availability of appropriations, the Secretary may purchase bison meat for recipients of food distributed under this subsection, including bison meat from—

''(A) Native American bison producers; and

''(B) producer–owned cooperatives of bison ranchers.

''(6) TRADITIONAL FOOD FUND.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a fund for use in purchasing traditional foods for recipients of food distributed under this subsection.

''(B) SURVEY.—In carrying out this paragraph, the Secretary shall—

''(i) survey participants of the food distribution program on Indian reservations established under this subsection to determine which traditional foods are most desired by those participants; and

''(ii) purchase or offer to purchase those traditional foods that may be procured cost-effectively.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $5,000,000 for each of fiscal years 2008 through 2012.''.

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) how the Secretary derives the process for determining the food package under the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(b)) (referred to in this subsection as the ''food package'');

(2) the extent to which the food package—

(A) addresses the nutritional needs of low-income Americans compared to the food and nutrition program, particularly for very low-income households;

(B) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(D) is limited by distribution costs or challenges of infrastructure;

(3) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; and

(4) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

Subtitle C—Administration of Emergency Food Assistance Program and Commodity Supplemental Food Program

SEC. 4601. EMERGENCY FOOD ASSISTANCE.

(a) STATE PLAN.—Section 202A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503) is amended by striking subsection (a) and inserting the following:

''(a) PLANS.—To receive commodities under this Act, every 3 years, a State shall submit to the Secretary an operation and administration plan for the provision of assistance under this Act.''.

(b) DONATED WILD GAME.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by inserting ''and donated wild game'' before the period at the end.

SEC. 4602. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking subsection (g) and inserting the following:

''(g) PROHIBITION.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

''(1) low-income persons aged 60 and older; or

''(2) women, infants, and children.''.

Subtitle D—Senior Farmers' Market Nutrition Program

SEC. 4701. EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.

(a) IN GENERAL.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) in subsection (a), by striking ''each of fiscal years 2003 through 2007'' and inserting ''fiscal year 2008 and each fiscal year thereafter'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (e), respectively;

(3) by inserting after subsection (a) the following:

''(b) ADDITIONAL FUNDS.—In addition to the amounts made available under subsection (a), for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $50,000,000 to expand the program established under this section.''; and

(4) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

''(d) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided under the program under this section shall not be taken into consideration in determining the eligibility of an individual for any other Federal or State assistance program.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment of this Act.

SEC. 4702. PROHIBITION ON COLLECTION OF SALES TAX.

Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by inserting after subsection (d) (as added by section 4701(a)(4)) the following:

''(e) PROHIBITION ON COLLECTION OF SALES TAX.—A State that collects any sales tax on the purchase of food using a benefit provided under the program under this section shall not be eligible to participate in the program.''.

SEC. 4703. WIC FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended—

(1) in clause (i), by striking ''each of fiscal years 2004 through 2009'' and inserting ''each fiscal year''; and

(2) by striking clause (ii) and inserting the following:

''(ii) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection, $40,000,000 for each fiscal year.''.

Subtitle E—Reauthorization of Federal Food Assistance Programs

SEC. 4801. FOOD AND NUTRITION PROGRAM.

(a) GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.—Section 11(t)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2020(t)(1)) is amended by striking ''For each of fiscal years 2003 through 2007'' and inserting ''For fiscal year 2008 and each fiscal year thereafter''.

(b) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(h)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(h)(1)) is amended—

(1) in subparagraph (A)(vii), by striking ''for each of fiscal years 2002 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''; and

(2) in subparagraph (E)(i), by striking ''for each of fiscal years 2002 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''.

(c) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Section 16(k)(3) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(k)(3)) is amended—

(1) in the first sentence of subparagraph (A), by striking ''for each of fiscal years 1999 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''; and

(2) in subparagraph (B)(ii), by striking ''through fiscal year 2007''.

(d) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(vi) of the Food and Nutrition Act of 2007 (7 U.S.C. 2026(b)(1)(B(vi)) is amended by striking ''through October 1, 2007''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 18(a)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking ''for each of the fiscal years 2003 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''.

(f) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2007 (7 U.S.C. 2028(a)(2)(A)(ii)) by striking ''for each of fiscal years 2004 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''.

(g) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) is amended—

(1) in subsection (b)(2), by striking subparagraph (B) and inserting the following:

''(B) $10,000,000 for each of fiscal years 2008 through 2012.''; and

(2) in subsection (h)(4), by striking ''2007'' and inserting ''2012''.

SEC. 4802. COMMODITY DISTRIBUTION.

(a) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking ''$60,000,000 for each of the fiscal years 2003 through 2007'' and inserting ''$100,000,000 for fiscal year 2008 and each fiscal year thereafter''.

(b) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended in the first sentence by striking ''years 1991 through 2007'' and inserting ''year 2008 and each fiscal year thereafter''.

(c) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''each of fiscal years 2003 through 2007'' and inserting ''fiscal year 2008 and each fiscal year thereafter''; and

(B) in paragraph (2)(B), by striking ''(B) FISCAL YEARS 2004 THROUGH 2007.—'' and all that follows through ''2007'' and inserting the following:

''(B) SUBSEQUENT FISCAL YEARS.—For fiscal year 2004 and each subsequent fiscal year''; and

(2) in subsection (d)(2), by striking ''each of the fiscal years 1991 through 2007'' and inserting ''fiscal year 2008 and each fiscal year thereafter''.

(d) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in

the first sentence by striking ''2007'' and inserting ''2012''.

SEC. 4803. NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.

Section 4403(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107–171) is amended by striking ''2007'' and inserting ''2012''.

Subtitle F—Food Employment Empowerment and Development Program

SEC. 4851. SHORT TITLE.

This subtitle may be cited as the ''Food Employment Empowerment and Development Program Act of 2007'' or the ''FEED Act of 2007''.

SEC. 4852. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that meets the requirements of section 4013(b).

(2) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term ''vulnerable subpopulation'' means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term ''vulnerable subpopulation'' includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

SEC. 4853. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(2) Distribution of meals or recovered food to—

(A) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(B) entities that feed vulnerable subpopulations; and

(C) other agencies considered appropriate by the Secretary.

(3) Training of unemployed and underemployed adults for careers in the food service industry.

(4) Carrying out of a welfare-to-work job training program in combination with—

(A) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(B) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(c) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(1) capital investments related to the operation of the eligible entity;

(2) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(3) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(4) building and kitchen renovations that improve or directly affect service delivery;

(5) educational material and services;

(6) administrative costs, in accordance with guidelines established by the Secretary; and

(7) additional activities determined appropriate by the Secretary.

(d) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(1) Carrying out food recovery programs that are integrated with—

(A) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1);

(B) school education programs; or

(C) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(3) Integrating recovery and distribution of food with a job training program.

(4) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(5) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(e) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(f) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(g) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(2) FORM.—Technical assistance for a program provided under this subsection includes—

(A) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(B) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(C) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(D) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(E) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(i) strategic plans;

(ii) board development;

(iii) fund development;

(iv) mission development; and

(v) other activities considered appropriate by the Secretary;

(F) assistance considered appropriate by the Secretary regarding—

(i) the status of program participants;

(ii) the demographic characteristics of program participants that affect program services;

(iii) any new idea that could be integrated into the program; and

(iv) the review of grant proposals; and

(G) any other forms of technical assistance the Secretary considers appropriate.

(h) RELATIONSHIP TO OTHER LAW.—

(1) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(2) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(3) INSPECTIONS.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(A) has a hazard analysis and critical control point (HACCP) plan;

(B) has a sanitation standard operating procedure (SSOP); and

(C) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(i) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (g) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

Subtitle G—Miscellaneous

SEC. 4901. PURCHASES OF LOCALLY GROWN FRUITS AND VEGETABLES.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

''(j) PURCHASES OF LOCALLY GROWN FRUITS AND VEGETABLES.—The Secretary shall—

''(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase locally grown fruits and vegetables, to the maximum extent practicable and appropriate;

''(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and post information concerning the policy on the website maintained by the Secretary; and

''(3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense, to use a geographic preference for the procurement of locally grown fruits and vegetables.''.

SEC. 4902. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PAYMENTS TO SERVICE INSTITUTIONS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), by striking ''(A)'' and all that follows through ''shall not exceed—'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), in addition to amounts made available under paragraph (3), payments to service institutions shall be—'';

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking ''(A), (B), and (C)'' and inserting ''(A) and (B)''; and

(2) in the second sentence of paragraph (3), by striking ''full amount of State approved'' and all that follows through ''maximum allowable''.

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

SEC. 4903. HEALTHY FOOD EDUCATION AND PROGRAM REPLICABILITY.

Section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)) is amended—

(1) in paragraph (1)(C), by inserting ''promotes healthy food education in the school curriculum and'' before ''incorporates'';

(2) by redesignating paragraph (2) as paragraph (3); and

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

''(2) ADMINISTRATION.—In providing grants under this subsection, the Secretary shall give priority to projects that can be replicated in schools.''.

SEC. 4904. FRESH FRUIT AND VEGETABLE PROGRAM.

(a) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 18 (42 U.S.C. 1769) the following:

''SEC. 19. FRESH FRUIT AND VEGETABLE PROGRAM.

''(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the 'program').

''(b) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

''(c) FUNDING TO STATES.—

''(1) MINIMUM GRANT.—The Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal to 1 percent of the funds made available for a fiscal year to carry out the program.

''(2) ADDITIONAL FUNDING.—Of the funds remaining after grants are made under paragraph (1), the Secretary shall allocate additional funds to each State that is operating a school lunch program under section 4 based on the proportion that—

''(A) the population of the State; bears to

''(B) the population of the United States.

''(d) SELECTION OF SCHOOLS.—

''(1) IN GENERAL.—In selecting schools to participate in the program, each State shall—

''(A) ensure that each school chosen to participate in the program is a school—

''(i) except as provided in paragraph (2), in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

''(ii) that submits an application in accordance with subparagraph (C); and

''(B) to the maximum extent practicable, give the highest priority to schools with the highest proportion of children who are eligible for free or reduced price meals under this Act;

''(C) solicit applications from interested schools that include—

''(i) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

''(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

''(iii) such other information as may be requested by the Secretary;

''(D) give priority to schools that submit a plan for implementation of the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

''(i) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

''(ii) other support that contributes to the purposes of the program;

''(E) give priority to schools that provide evidence of efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity; and

''(F) ensure that each school selected is an elementary school.

''(2) EXCEPTION.—Clause (i) of paragraph (1)(A) shall not apply to a State if the State does not have a sufficient number of schools that meet the requirement of that clause.

''(3) CONSORTIA.—A consortia of schools may apply for funding under this section.

''(e) NOTICE OF AVAILABILITY.—To be eligible to participate in the program, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

''(f) PER-STUDENT GRANT.—The per-student grant provided to a school under this section shall be—

''(1) determined by a State agency; and

''(2) not less than $50, nor more than $75, annually.

''(g) LIMITATION.—To the maximum extent practicable, each State agency shall ensure that in making available to students the fruits and vegetables provided under this section, schools participating in the program offer the fruits and vegetables separately from meals otherwise provided at the school under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(h) SCHOOLS ON INDIAN RESERVATIONS.—The Secretary shall ensure that not less than 100 of the schools chosen to participate in the program are schools operated on Indian reservations.

''(i) EVALUATION AND REPORTS.—

''(1) IN GENERAL.—The Secretary shall conduct an evaluation of the program, including a determination as to whether children experienced, as a result of participating in the program—

''(A) increased consumption of fruits and vegetables;

''(B) other dietary changes, such as decreased consumption of less nutritious foods; and

''(C) such other outcomes as are considered appropriate by the Secretary.

''(2) REPORT.—Not later than September 30, 2011, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that describes the results of the evaluation under paragraph (1).

''(j) FUNDING.—

''(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section—

''(A) on October 1, 2007, $225,000,000; and

''(B) on October 1, 2008, and each October 1 thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

''(2) EVALUATION FUNDING.—On October 1, 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out the evaluation required under subsection (i), $3,000,000, to remain available until expended.

''(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section any funds transferred for that purpose, without further appropriation.

''(4) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to carry out this section, there are authorized to be appropriated such sums as are necessary to expand the program established under this section.

''(5) ADMINISTRATIVE COSTS.—Of funds made available to carry out this section for a fiscal year, the Secretary may use not more than $500,000 for the administrative costs of carrying out the program.

''(6) REALLOCATION.—

''(A) AMONG STATES.—The Secretary may reallocate any amounts made available to carry out this section that are not obligated or expended by a date determined by the Secretary.

''(B) WITHIN STATES.—A State that receives a grant under this section may reallocate any amounts made available under the grant that are not obligated or expended by a date determined by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsections (h) through (k) as subsections (g) through (j), respectively.

SEC. 4905. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—Congress finds that—

(1) Federal law requires that commodities and products purchased with Federal funds be, to the maximum extent practicable, of domestic origin;

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers; and

(3) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the school lunch program, including food products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—It is the sense of Congress that the Secretary should undertake training, guidance, and enforcement of the various Buy American statutory requirements and regulations in effect on the date of enactment of this Act, including requirements of—

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the Department of Defense fresh fruit and vegetable distribution program.

SEC. 4906. MINIMUM PURCHASES OF FRUITS, VEGETABLES, AND NUTS THROUGH SECTION 32 TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) MINIMUM FUNDING FOR PURCHASES OF FRUITS, VEGETABLES, AND NUTS.—In lieu of the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4), the Secretary shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) $390,000,000 for fiscal year 2008.

(2) $393,000,000 for fiscal year 2009.

(3) $399,000,000 for fiscal year 2010.

(4) $403,000,000 for fiscal year 2011.

(5) $406,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) FORM OF PURCHASES.—Fruits, vegetables, and nuts may be purchased under this section in frozen, canned, dried, or fresh form.

(c) VALUE-ADDED PRODUCTS.—The Secretary may offer value-added products containing fruits, vegetables, or nuts under this section, taking into consideration—

(1) whether demand exists for the value-added product; and

(2) the interests of entities that receive fruits, vegetables, and nuts under this section.

SEC. 4907. CONFORMING AMENDMENTS TO RENAMING OF FOOD STAMP PROGRAM.

(a) IN GENERAL.—

(1) Section 4 of the Food and Nutrition Act of 2007 (7 U.S.C. 2013) is amended in the section heading by striking ''FOOD STAMP PROGRAM'' and inserting ''FOOD AND NUTRITION PROGRAM''.

(2) Section 5(h)(2)(A) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(h)(2)(A)) is amended by striking ''Food Stamp Disaster Task Force'' and inserting ''Food and Nutrition Disaster Task Force''.

(3) Section 6 of the Food and Nutrition Act of 2007 (7 U.S.C. 2015) is amended—

(A) in subsection (d)(3), by striking ''eligible for food stamps'' and inserting ''eligible to receive food and nutrition assistance'';

(B) in subsection (g), by striking ''food stamps'' and inserting ''food and nutrition assistance'';

(C) in subsection (j), in the subsection heading, by striking ''FOOD STAMP'' and inserting ''FOOD AND NUTRITION''; and

(D) in subsection (o)—

(i) in paragraph (2), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance''; and

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking ''food stamps'' and inserting ''food and nutrition assistance''; and

(bb) in clause (ii)—

(AA) in the matter preceding subclause (I), by striking ''a food stamp recipient'' and inserting ''a member of a household that receives food and nutrition assistance''; and

(BB) by striking ''food stamp benefits'' each place it appears and inserting ''food and nutrition assistance''; and

(II) in subparagraphs (D) and (E), by striking ''food stamp recipients'' each place it appears and inserting ''members of households that receive food and nutrition assistance''.

(4) Section 7 of the Food and Nutrition Act of 2007 (7 U.S.C. 2016) (as amended by section 4202(a)(11)) is amended—

(A) in subsection (h)—

(i) in paragraph (3)(B)(ii), by striking ''food stamp households'' and inserting ''households receiving food and nutrition assistance''; and

(ii) in paragraph (7), by striking ''food stamp issuance'' and inserting ''food and nutrition assistance issuance''; and

(B) in subsection (j)—

(i) in paragraph (2), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance benefits''; and

(ii) in paragraph (3), by striking ''food stamp retail'' and inserting ''food and nutrition assistance retail''.

(5) Section 9(b)(1) of that Food and Nutrition Act of 2007 (7 U.S.C. 2018(b)(1)) is amended by striking ''food stamp households'' and inserting ''households that receive food and nutrition assistance''.

(6) Section 11 of the Food and Nutrition Act of 2007 (7 U.S.C. 2020) (as amended by section 4202(b)(9)(B)(III)) is amended—

(A) in subsection (e)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking ''food stamp offices'' and inserting ''food and nutrition assistance offices''; and

(II) in subparagraph (B)—

(aa) in clause (iii), by striking ''food stamp office'' and inserting ''food and nutrition assistance office'';

(bb) in clause (v)(II), by striking ''food stamps'' and inserting ''food and nutrition assistance''; and

(cc) in clause (vii), by striking ''food stamp offices'' and inserting ''food and nutrition assistance offices'';

(ii) in paragraph (14), by striking ''food stamps'' and inserting ''food and nutrition assistance'';

(iii) in paragraph (15), by striking ''food stamps'' and inserting ''food and nutrition assistance''; and

(iv) in paragraph (23)—

(I) in the matter preceding subparagraph (A), by striking ''Simplified Food Stamp Program'' and inserting ''Simplified Food and Nutrition Assistance Program''; and

(II) in subparagraph (A), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance'';

(B) in subsection (k), by striking ''may issue, upon request by the State agency, food stamps'' and inserting ''may provide, on request by the State agency, food and nutrition assistance'';

(C) in subsection (l), by striking ''food stamp participation'' and inserting ''food and nutrition program participation'';

(D) in subsections (q) and (r), in the subsection headings, by striking ''FOOD STAMPS'' each place it appears and inserting ''FOOD AND NUTRITION ASSISTANCE'';

(E) in subsection (s), by striking ''food stamp benefits'' each place it appears and inserting ''food and nutrition assistance''; and

(F) in subsection (t)(1)—

(i) in subparagraph (A), by striking ''food stamp application'' and inserting ''food and nutrition assistance application''; and

(ii) in subparagraph (B), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance''.

(7) Section 14(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2023(b)) is amended by striking ''food stamp allotments'' and inserting ''food and nutrition assistance''.

(8) Section 16 of the Food and Nutrition Act of 2007 (7 U.S.C. 2025) is amended—

(A) in subsection (a)(4), by striking ''food stamp informational activities'' and inserting ''informational activities relating to the food and nutrition program'';

(B) in subsection (c)(9)(C), by striking ''food stamp caseload'' and inserting ''the caseload under the food and nutrition program''; and

(C) in subsection (h)(1)(E)(i), by striking ''food stamp recipients'' and inserting ''households receiving food and nutrition assistance''.

(9) Section 17 of the Food and Nutrition Act of 2007 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking ''food stamp benefits'' each place it appears and inserting ''food and nutrition assistance benefits'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance''; and

(II) in subparagraph (B)—

(aa) in clause (ii)(II), by striking ''food stamp recipients'' and inserting ''food and nutrition assistance recipients'';

(bb) in clause (iii)(I), by striking ''the State's food stamp households'' and inserting ''the number of households in the State receiving food and nutrition assistance''; and

(cc) in clause (iv)(IV)(bb), by striking ''food stamp deductions'' and inserting ''food and nutrition assistance deductions'';

(ii) in paragraph (2), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking ''food stamp employment'' and inserting ''food and nutrition program employment'';

(II) in subparagraph (B), by striking ''food stamp recipients'' and inserting ''food and nutrition assistance recipients'';

(III) in subparagraph (C), by striking ''food stamps'' and inserting ''food and nutrition assistance''; and

(IV) in subparagraph (D), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance benefits'';

(C) in subsection (c), by striking ''food stamps'' and inserting ''food and nutrition assistance'';

(D) in subsection (d)—

(i) in paragraph (1)(B), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''food stamp allotments'' each place it appears and inserting ''food and nutrition assistance''; and

(II) in subparagraph (C)(ii), by striking ''food stamp benefit'' and inserting ''food and nutrition assistance''; and

(iii) in paragraph (3)(E), by striking ''food stamp benefits'' and inserting ''food and nutrition assistance'';

(E) in subsections (e) and (f), by striking ''food stamp benefits'' each place it appears and inserting ''food and nutrition assistance'';

(F) in subsection (g), in the first sentence, by striking ''receipt of food stamp'' and inserting ''receipt of food and nutrition assistance''; and

(G) in subsection (j), by striking ''food stamp agencies'' and inserting ''food and nutrition program agencies''.

(10) Section 18(a)(3)(A)(ii) of the Food and Nutrition Act of 2007 (7 U.S.C. 2027(a)(3)(A)(ii)) is amended by striking ''food stamps'' and inserting ''food and nutrition assistance''.

(11) Section 21(d)(3) of the Food and Nutrition Act of 2007 (7 U.S.C. 2030(d)(3)) is amended by striking ''food stamp benefits'' and inserting ''food and nutrition assistance''.

(12) Section 22 of the Food and Nutrition Act of 2007 (7 U.S.C. 2031) is amended—

(A) in the section heading, by striking ''FOOD STAMP PORTION OF MINNESOTA FAMILY INVESTMENT PLAN'' and inserting ''FOOD AND NUTRITION ASSISTANCE PORTION OF MINNESOTA FAMILY INVESTMENT PROJECT'';

(B) in subsections (b)(12) and (d)(3), by striking ''the Food Stamp Act, as amended,'' each place it appears and inserting ''this Act''; and

(C) in subsection (g)(1), by striking ''the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)'' and inserting ''this Act''.

(13) Section 26 of the Food and Nutrition Act of 2007 (7 U.S.C. 2035) is amended—

(A) in the section heading, by striking ''SIMPLIFIED FOOD STAMP PROGRAM'' and inserting ''SIMPLIFIED FOOD AND NUTRITION PROGRAM''; and

(B) in subsection (b), by striking ''simplified food stamp program'' and inserting ''simplified food and nutrition program''.

(b) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended (as applicable)—

(A) by striking ''food stamp program'' each place it appears and inserting ''food and nutrition program'';

(B) by striking ''Food Stamp Act of 1977'' each place it appears and inserting ''Food and Nutrition Act of 2007'';

(C) by striking ''Food Stamp Act'' each place it appears and inserting ''Food and Nutrition Act of 2007'';

(D) by striking ''food stamp'' each place it appears and inserting ''food and nutrition assistance'';

(E) by striking ''food stamps'' each place it appears and inserting ''food and nutrition assistance'';

(F) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMP**'' each place it appears and inserting ''**FOOD AND NUTRITION ASSISTANCE**'';

(G) in each applicable subsection and appropriations heading, by striking ''FOOD STAMP'' each place it appears and inserting ''FOOD AND NUTRITION ASSISTANCE'';

(H) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''FOOD STAMP'' each place it appears and inserting ''FOOD AND NUTRITION ASSISTANCE'';

(I) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMPS**'' each place it appears and inserting ''**FOOD AND NUTRITION ASSISTANCE**'';

(J) in each applicable subsection and appropriations heading, by striking ''FOOD STAMPS'' each place it appears and inserting ''FOOD AND NUTRITION ASSISTANCE''; and

(K) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''FOOD STAMPS'' each place it appears and inserting ''FOOD AND NUTRITION ASSISTANCE''.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Hunger Prevention Act of 1988 (Public Law 100–435; 102 Stat. 1645).

(B) The Food Stamp Program Improvements Act of 1994 (Public Law 103–225; 108 Stat. 106).

(C) Title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 305).

(D) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note).

(E) Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note; Public Law 100–77).

(F) The Electronic Benefit Transfer Interoperability and Portability Act of 2000 (Public Law 106–171; 114 Stat. 3).

(G) Section 502(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 2025 note; Public Law 105–185).

(H) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.).

(I) The Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

(J) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(K) Section 8119 of the Department of Defense Appropriations Act, 1999 (10 U.S.C. 113 note; Public Law 105–262).

(L) The Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5901 et seq.).

(M) Title 18, United States Code.

(N) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(O) The Internal Revenue Code of 1986.

(P) Section 650 of the Treasury and General Government Appropriations Act, 2000 (26 U.S.C. 7801 note; Public Law 106–58).

(Q) The Wagner-Peysner Act (29 U.S.C. 49 et seq.).

(R) The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(S) Title 31, United States Code.

(T) Title 37, United States Code.

(U) The Public Health Service Act (42 U.S.C. 201 et seq.).

(V) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(W) Section 406 of the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2400).

(X) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a).

(Y) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(Z) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(AA) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(BB) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(CC) Section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728).

(DD) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(EE) The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(FF) Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i).

(GG) The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(HH) Public Law 95–348 (92 Stat. 487).

(II) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(JJ) The Disaster Assistance Act of 1988 (Public Law 100–387; 102 Stat. 924).

(KK) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(LL) The Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4079).

(MM) Section 388 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 98).

(NN) The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1818).

(OO) The Act of March 26, 1992 (Public Law 102–265; 106 Stat. 90).

(PP) Public Law 105–379 (112 Stat. 3399).

(QQ) Section 101(c) of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 528).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the ''food stamp program'' established under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the ''food and nutrition program'' established under that Act.

SEC. 4908. EFFECTIVE AND IMPLEMENTATION DATES.

(a) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this title, this title and the amendments made by this title take effect on April 1, 2008.

(b) IMPLEMENTATION OF IMPROVEMENTS TO PROGRAM BENEFITS.—

(1) IN GENERAL.—A State agency may implement the amendments made by part II of subtitle A beginning on a date (as determined by the State agency) during the period beginning on April 1, 2008, and ending on October 1, 2008.

(2) CERTIFICATION PERIOD.—At the option of a State agency, the State agency may implement 1 or more of the amendments made by sections 4103 and 4104 for a certification period that begins not earlier than the implementation date determined by the State under paragraph (1).

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5001. DIRECT LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by striking the section designation and heading and all that follows through ''(a) The Secretary is authorized to'' and inserting the following:

''SEC. 302. PERSONS ELIGIBLE FOR REAL ESTATE LOANS.

''(a) IN GENERAL.—The Secretary may''; and

(2) in subsection (a)(2), by inserting '', taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences'' after ''farming operations''.

SEC. 5002. PURPOSES OF LOANS.

Section 303(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923(a)(1)) is amended—

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

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

(3) by adding at the end the following:

''(F) refinancing guaranteed farm ownership loans of qualified beginning farmers and ranchers under this subtitle that were used to carry out purposes described in subparagraphs (A) through (E).''.

SEC. 5003. SOIL AND WATER CONSERVATION AND PROTECTION.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by inserting ''or conversion to a certified organic farm in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)'' after ''systems'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) by redesignating paragraph (6) as paragraph (7); and

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

''(6) the implementation of 1 or more practices under the environmental quality section of the comprehensive stewardship incentives program established under subchapter A of chapter 6 of subtitle D of title XII of the Food Security Act of 1985; and''; and

(2) by striking subsections (b) and (c) and inserting the following:

''(b) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

''(1) qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers;

''(2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems;

''(3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812); and

''(4) producers who have a certification from the Natural Resources Conservation Service issued pursuant to section 1240B(d) of the Food Security Act of 1985.''.

SEC. 5004. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)(2)) is amended by striking ''$200,000'' and inserting ''$300,000''.

SEC. 5005. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by inserting ''and socially disadvantaged farmers and ranchers'' after ''ranchers'';

(2) in subsection (b)—

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

''(1) PRINCIPAL.—

''(A) PURCHASE PRICE OF $500,000 OR LESS.—Each loan made under this section for a purchase price that is $500,000 or less, shall be in an amount that does not exceed 45 percent of the lesser of—

''(i) the purchase price; or

''(ii) the appraised value of the farm or ranch to be acquired.

''(B) PURCHASE PRICE GREATER THAN $500,000.—Each loan made under this section for a purchase price that is greater than $500,000, shall be in an amount that does not exceed 45 percent of the lesser of—

''(i) $500,000; or

''(ii) the appraised value of the farm or ranch to be acquired.'';

(B) by striking paragraph (2) and inserting the following:

''(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

''(A) the difference obtained by subtracting 400 basis points from the interest rate for regular farm ownership loans under this subtitle; or

''(B) 2 percent.''; and

(C) in paragraph (3), by striking ''15'' and inserting ''20'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''10 percent'' and inserting ''5 percent'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in subparagraph (B) of paragraph (2) (as so redesignated), by striking ''15-year'' and inserting ''20-year''; and

(4) in subsection (d)—

(A) in paragraph (3), by striking the ''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) establish annual performance goals to promote the use of the down payment loan program and other joint financing participation loans as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher.''.

SEC. 5006. BEGINNING FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is amended to read as follows:

''SEC. 310F. BEGINNING FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

''(a) IN GENERAL.—Subject to subsection (c), the Secretary shall, in accordance with each condition described in subsection (b), provide a prompt payment guarantee for any loan made by a private seller of farmland or ranch land to a qualified beginning farmer or rancher on a contract land sale basis.

''(b) CONDITIONS FOR GUARANTEE.—To receive a guarantee for a loan by the Secretary under subsection (a)—

''(1) the qualified beginning farmer or rancher shall—

''(A) on the date on which the contract land sale that is the subject of the loan is complete, own and operate the farmland or ranch land that is the subject of the contract land sale;

''(B) on the date on which the contract land sale that is the subject of the loan is commenced—

''(i) have a credit history that—

''(I) includes a record of satisfactory debt repayment, as determined by the Secretary; and

''(II) is acceptable to the Secretary; and

''(ii) demonstrate to the Secretary that the qualified beginning farmer or rancher is unable to obtain sufficient credit without a guarantee to finance any actual need of the qualified beginning farmer or rancher at a reasonable rate or term;

''(2) the loan made by the private seller of farmland or ranch land to the qualified beginning farmer or rancher on a contract land sale basis shall meet applicable underwriting criteria, as determined by the Secretary; and

''(3) to carry out the loan—

''(A) a commercial lending institution shall agree to serve as an escrow agent; or

''(B) the private seller of farmland or ranch land, in cooperation with the qualified beginning farmer or rancher, shall use an appropriate alternate arrangement, as determined by the Secretary.

''(c) LIMITATIONS.—

''(1) DOWN PAYMENT.—The Secretary shall not guarantee a loan made by a private seller of farmland or ranch land to a qualified beginning farmer or rancher under subsection (a) if the contribution of the qualified beginning farmer or rancher to the down payment for the farmland or ranch land that is the subject of the contract land sale would be an amount less than 5 percent of the purchase price of the farmland or ranch land.

''(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not guarantee a loan made by a private seller of farmland or ranch land to a qualified beginning farmer or rancher under subsection (a) if the purchase price or the appraisal value of the farmland or ranch land that is the subject of the contract land sale is an amount greater than $500,000.

''(d) PERIOD OF GUARANTEE.—The Secretary shall guarantee a loan made by a private seller of farmland or ranch land to a qualified beginning farmer or rancher under subsection (a) for a 10-year period beginning on the date on which the Secretary guarantees the loan.

''(e) PROMPT PAYMENT GUARANTEE.—The Secretary shall provide to a private seller of farmland or ranch land who makes a loan to a qualified beginning farmer or rancher that is guaranteed by the Secretary, a prompt payment guarantee, which shall cover—

''(1) 3 amortized annual installments; or

''(2) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments).''.

Subtitle B—Operating Loans

SEC. 5101. FARMING EXPERIENCE AS ELIGIBILITY REQUIREMENT.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended—

(1) by striking the section designation and all that follows through ''(a) The Secretary is authorized to'' and inserting the following:

''SEC. 311. PERSONS ELIGIBLE FOR LOANS.

''(a) IN GENERAL.—The Secretary may'';

(2) in subsection (a)(2), by inserting '', taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences'' after ''farming operations''; and

(3) in subsection (c)(1)(C), by striking ''6'' and inserting ''7''.

SEC. 5102. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(a)(1)) is amended by striking ''$200,000'' and inserting ''$300,000''.

SEC. 5103. LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is repealed.

Subtitle C—Administrative Provisions

SEC. 5201. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

The Consolidated Farm and Rural Development Act is amended by adding after section 333A (7 U.S.C. 1983a) the following:

''SEC. 333B. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

''(2) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means a qualified beginning farmer or rancher that—

''(A) lacks significant financial resources or assets; and

''(B) has an income that is less than—

''(i) 80 percent of the median income of the area in which the eligible participant is located; or

''(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for that area.

''(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term 'individual development account' means a savings account described in subsection (b)(4)(A).

''(4) QUALIFIED ENTITY.—

''(A) IN GENERAL.—The term 'qualified entity' means—

''(i) 1 or more organizations—

''(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

''(II) exempt from taxation under section 501(a) of such Code; or

''(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).

''(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development

corporation to carry out the purposes of this section.

''(b) PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the 'New Farmer Individual Development Accounts Pilot Program' under which the Secretary shall work through qualified entities to establish demonstration programs—

''(A) of at least 5 years in duration; and

''(B) in at least 15 States.

''(2) COORDINATION.—The Secretary shall operate the pilot program through, and in coordination with the farm loan programs of, the Farm Service Agency.

''(3) RESERVE FUNDS.—

''(A) IN GENERAL.—Each demonstration program shall establish a reserve fund consisting of a non-Federal match of 25 percent of the total amount of the grant awarded to the demonstration program under this section.

''(B) FEDERAL FUNDS.—After a demonstration program has deposited in the reserve fund the non-Federal matching funds described in subparagraph (A), the Secretary shall provide to the demonstration program for deposit in the reserve fund the total amount of the grant awarded under this section.

''(C) USE OF FUNDS.—Of funds deposited in a reserve fund under subparagraphs (A) and (B), a demonstration program—

''(i) may use up to 20 percent for administrative expenses; and

''(ii) shall use the remainder to make matching awards described in paragraph (4)(B)(ii)(I).

''(D) INTEREST.—Any interest earned on amounts in a reserve fund established under subparagraph (A) may be used as additional matching funds for, or to administer, the demonstration program.

''(E) GUIDANCE.—The Secretary shall implement guidance regarding the investment requirements of reserve funds established under this paragraph.

''(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

''(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer an individual development account for each eligible participant.

''(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, each eligible participant shall enter into a contract with a qualified entity under which—

''(i) the eligible participant shall agree—

''(I) to deposit a certain amount of funds of the eligible participant in a personal savings account, as prescribed by the contractual agreement between the eligible participant and the qualified entity; and

''(II) to use the funds described in subclause (I) only for 1 or more eligible expenditures described in paragraph (5)(A); and

''(ii) the qualified entity shall agree—

''(I) to deposit not later than 1 month after a deposit described in clause (i)(I) at least a 100-percent, and up to a 300-percent, match of that amount into the individual development account established for the eligible participant;

''(II) with uses of funds proposed by the eligible participant; and

''(III) to complete qualified financial training.

''(C) LIMITATION.—

''(i) IN GENERAL.—A qualified entity administering a demonstration program may provide not more than $9,000 for each fiscal year in matching funds to any eligible participant.

''(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

''(D) INTEREST.—Any interest earned on amounts in an individual development account shall be compounded with amounts otherwise deposited in the individual development account.

''(5) ELIGIBLE EXPENDITURES.—

''(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

''(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

''(ii) to make mortgage payments for up to 180 days after the date of purchase of farmland;

''(iii) to purchase farm equipment or production, storage, or marketing infrastructure or buy into an existing value-added business;

''(iv) to purchase breeding stock or fruit or nut trees or trees to harvest for timber;

''(v) to pay training or mentorship expenses to facilitate specific entrepreneurial agricultural activities; and

''(vi) for other similar expenditures, as determined by the Secretary.

''(B) TIMING.—

''(i) IN GENERAL.—An eligible expenditure may be made at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I).

''(ii) UNEXPENDED FUNDS.—Funds remaining in an individual development account after the period described in clause (i) shall revert to the reserve fund of the demonstration program.

''(C) PROHIBITION.—An eligible participant that uses funds in an individual development account for an eligible expenditure described in subparagraph (A)(viii) shall not be eligible to receive funds for a substantially similar purpose (as determined by the Secretary) under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(c) APPLICATIONS.—

''(1) ANNOUNCEMENT OF DEMONSTRATION PROGRAMS.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

''(A) publicly announce the availability of funding under this section for demonstration programs; and

''(B) ensure that applications to carry out demonstration programs are widely available to qualified entities.

''(2) SUBMISSION.—Not later than 270 days after the date of enactment of this section, a qualified entity may submit to the Secretary an application to carry out a demonstration program.

''(3) CRITERIA.—In considering whether to approve an application to carry out a demonstration program, the Secretary shall assess—

''(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

''(B) the experience and ability of the qualified entity to responsibly administer the project;

''(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

''(D) the aggregate amount of direct funds from non-Federal public sector and private sources that are formally committed to the demonstration program as matching contributions;

''(E) the adequacy of the plan for providing information relevant to an evaluation of the demonstration program; and

''(F) such other factors as the Secretary considers to be appropriate.

''(4) PREFERENCES.—In considering an application to conduct a demonstration program under this part, the Secretary shall give preference to an application from a qualified entity that demonstrates—

''(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers and ranchers; and

''(B) expertise in dealing with financial management aspects of farming.

''(5) APPROVAL.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, in accordance with this section, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration programs as the Secretary considers appropriate.

''(B) DIVERSITY.—The Secretary shall ensure, to the maximum extent practicable, that approved applications involve demonstration programs for a range of geographic areas and diverse populations.

''(6) TERM OF AUTHORITY.—If the Secretary approves an application to carry out a demonstration program, the Secretary shall authorize the applying qualified entity to carry out the project for a period of 5 years, plus an additional 2 years for the making of eligible expenditures in accordance with subsection (b)(5)(B).

''(d) GRANT AUTHORITY.—

''(1) IN GENERAL.—For each year during which a demonstration program is carried out under this section, the Secretary shall make a grant to the qualified entity authorized to carry out the demonstration program.

''(2) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed $300,000.

''(e) REPORTS.—

''(1) ANNUAL PROGRESS REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program, and annually thereafter until the conclusion of the demonstration program, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

''(i) an evaluation of the progress of the demonstration program;

''(ii) information about the demonstration program and eligible participants;

''(iii) the number and characteristics of individuals that have made 1 or more deposits into an individual development account;

''(iv) the amounts in the reserve fund established with respect to the program;

''(v) the amounts deposited in the individual development accounts;

''(vi) the amounts withdrawn from the individual development accounts and the purposes for which the amounts were withdrawn;

''(vii) the balances remaining in the individual development accounts;

''(viii) such other information as the Secretary may require.

''(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

''(2) REPORTS BY THE SECRETARY.—Not later than 1 year after the date on which all demonstration programs under this section are concluded, the Secretary shall submit to Congress a final report that describes the results and findings of all reports and evaluations carried out under this section.

''(f) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

''(1) the termination of demonstration programs;

''(2) control of the reserve funds in the case of such a termination;

''(3) transfer of demonstration programs to other qualified entities; and

''(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

''(g) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATION AND TRAINING.—Of the total funds made available under paragraph (1) and in addition to any other available funds, not more than 10 percent may be used by the Secretary—

''(A) to administer the pilot program; and

''(B) to provide training, or hire 1 or more consultants to provide training, to instruct qualified entities in carrying out demonstration programs, including payment of reasonable costs incurred with respect to that training for—

''(i) staff or consultant travel;

''(ii) lodging;

''(iii) meals; and

''(iv) materials.''.

SEC. 5202. INVENTORY SALES PREFERENCES; LOAN FUND SET-ASIDES.

(a) INVENTORY SALES PREFERENCES.—Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) in clause (i), by inserting '' or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(iii) in clause (ii), by inserting ''or socially disadvantaged farmer or rancher'' after ''or rancher'';

(iv) in clause (iii), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(v) in clause (iv), by inserting ''and socially disadvantaged farmers and ranchers'' after ''and ranchers''; and

(B) in subparagraph (C), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(2) in paragraph (5)(B)—

(A) in clause (i)—

(i) in the clause heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) by inserting ''or a socially disadvantaged farmer or rancher'' after ''a beginning farmer or rancher''; and

(iii) by inserting ''or the socially disadvantaged farmer or rancher'' after ''the beginning farmer or rancher''; and

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(ii) in subclause (II), by inserting ''or the socially disadvantaged farmer or rancher'' after ''or rancher''; and

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting ''and socially disadvantaged farmers and ranchers'' after ''and ranchers''; and

(ii) in clause (ii), by inserting ''or socially disadvantaged farmers or ranchers'' after ''or ranchers''.

(b) LOAN FUND SET-ASIDES.—Section 346(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking ''70 percent'' and inserting ''an amount that is not less than 75 percent of the total amount''; and

(ii) in subclause (II)—

(I) in the subclause heading, by inserting ''; JOINT FINANCING ARRANGEMENTS'' after ''PAYMENT LOANS'';

(II) by striking ''60 percent'' and inserting ''an amount not less than ⅔ of the amount''; and

(III) by inserting ''and joint financing arrangements under section 307(a)(3)(D)'' after ''section 310E''; and

(B) in clause (ii)(III), by striking ''2003 through 2007, 35 percent'' and inserting ''2008 through 2012, an amount that is not less than 50 percent of the total amount''; and

(2) in subparagraph (B)(i), by striking ''25 percent'' and inserting ''an amount that is not less than 40 percent of the total amount''.

SEC. 5203. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 344 (7 U.S.C. 1992) the following:

''SEC. 345. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

''(a) IN GENERAL.—In making or insuring a farm loan under subtitle A or B, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest practicable period of time.

''(b) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

''(1) the borrower training program established by section 359;

''(2) the loan assessment process established by section 360;

''(3) the supervised credit requirement established by section 361;

''(4) the market placement program established by section 362; and

''(5) other appropriate programs and authorities, as determined by the Secretary.''.

SEC. 5204. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''$3,796,000,000 for each of fiscal years 2003 through 2007'' and inserting ''$4,226,000,000 for each of fiscal years 2008 through 2012''; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''$770,000,000'' and inserting ''$1,200,000,000'';

(B) in clause (i), by striking ''$205,000,000'' and inserting ''$350,000,000''; and

(C) in clause (ii), by striking ''$565,000,000'' and inserting ''$850,000,000''.

SEC. 5205. INTEREST RATE REDUCTION PROGRAM.

Section 351(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999(a)) is amended—

(1) in the subsection heading, by inserting ''AND AVAILABILITY'' after ''ESTABLISHMENT'';

(2) by striking ''The Secretary'' and inserting the following:

''(1) ESTABLISHMENT.—The Secretary''; and

(3) by adding at the end the following:

''(2) AVAILABILITY.—The program established under paragraph (1) shall be available with respect to new guaranteed operating loans or guaranteed operating loans restructured under this title after the date of enactment of this paragraph that meet the requirements of subsection (b).''.

SEC. 5206. DEFERRAL OF SHARED APPRECIATION RECAPTURE AMORTIZATION.

Section 353(e)(7)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)(7)(D)) is amended—

(1) in the subparagraph heading, by inserting ''AND DEFERRAL'' after ''REAMORTIZATION''; and

(2) in clause (ii)—

(A) by redesignating subclause (II) as subclause (III); and

(B) by inserting after subclause (I) the following:

''(II) TERM OF DEFERRAL.—The term of a deferral under this subparagraph shall not exceed 1 year.''.

SEC. 5207. RURAL DEVELOPMENT, HOUSING, AND FARM LOAN PROGRAM ACTIVITIES.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 364 (7 U.S.C. 2006f) the following:

''SEC. 365. RURAL DEVELOPMENT, HOUSING, AND FARM LOAN PROGRAM ACTIVITIES.

''The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department of Agriculture, relating to rural development, housing, or farm loan programs.''.

Subtitle D—Farm Credit

SEC. 5301. AUTHORITY TO PASS ALONG COST OF INSURANCE PREMIUMS.

(a) IN GENERAL.—Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended—

(1) in the first sentence, by striking ''Each Farm'' and inserting the following;

''(1) IN GENERAL.—Each Farm''; and

(2) by striking the second sentence and inserting the following:

''(2) COMPUTATION.—The assessment on any association or other financing institution described in paragraph (1) for any period shall be computed in an equitable manner, as determined by the Corporation.''.

(b) RULES AND REGULATIONS.—Section 5.58(10) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–7(10)) is amended by inserting ''and section 1.12(b)'' after ''part''.

SEC. 5302. TECHNICAL CORRECTION.

Section 3.3(b) of the Farm Credit Act of 1971 (12 U.S.C. 2124(b)) is amended in the first sentence by striking ''per'' and inserting ''par''.

SEC. 5303. CONFIRMATION OF CHAIRMAN.

Section 5.8(a) of the Farm Credit Act of 1971 (12 U.S.C. 2242(a)) is amended in the fifth sentence by inserting ''by and with the advice and consent of the Senate,'' after ''designated by the President,''.

SEC. 5304. PREMIUMS.

(a) AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a—4(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(ii) by striking ''annual'' ; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting from the obligations the percentages of the guaranteed portions of loans and investments described in paragraph (2), multiplied by 0.0020; and

''(B) the product obtained by multiplying—

''(i) the sum of—

''(I) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status; and

''(II) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank; by

''(ii) 0.0010.'';

(2) by striking paragraph (4);

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

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

''(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank for the calendar year referred to in paragraph (1)(A) shall be reduced by deducting from the obligations the sum of (as determined by the Corporation)—

''(A) 90 percent of each of —

''(i) the average principal outstanding for the calendar year on the guaranteed portions of Federal government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired; and

''(B) 80 percent of each of—

''(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired.'';

(5) in paragraph (3) (as redesignated by paragraph (3)), by striking ''annual''; and

(6) in paragraph (4) (as redesignated by paragraph (3))—

(A) in the paragraph heading, by inserting ''OR INVESTMENTS'' after ''LOANS''; and

(B) in the matter preceding subparagraph (A), by striking ''As used'' and all that follows through ''guaranteed—'' and inserting ''In this section, the term ''government-guaranteed'', when applied to a loan or an investment, means a loan, credit, or investment, or portion of a loan, credit, or investments, that is guaranteed—''.

(b) AMOUNT IN FUND EXCEEDING SECURE BASE AMOUNT.—Section 5.55(b) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4(b)) is amended by striking ''annual''.

(c) SECURE BASE AMOUNT.—Section 5.55(c) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4(c)) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes'';

(2) by striking ''(adjusted downward'' and all that follows through ''by the Corporation)'' and inserting ''(as adjusted under paragraph (2))''; and

(3) by adding at the end the following:

''(2) ADJUSTMENT.—The aggregate outstanding insured obligations of all insured System banks under paragraph (1) shall be adjusted downward to exclude an amount equal to the sum of (as determined by the Corporation)—

''(A) 90 percent of each of—

''(i) the guaranteed portions of principal outstanding on Federal government-guaranteed loans in accrual status made by the banks; and

''(ii) the guaranteed portions of the amount of Federal government-guaranteed investments made by the banks that are not permanently impaired; and

''(B) 80 percent of each of—

''(i) the guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by the banks; and

''(ii) the guaranteed portions of the amount of State government-guaranteed investments made by the banks that are not permanently impaired.''.

(d) DETERMINATION OF LOAN AND INVESTMENT AMOUNTS.—Section 5.55(d) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4(d)) is amended—

(1) in the paragraph heading, by striking ''PRINCIPAL OUTSTANDING'' and inserting ''LOAN AND INVESTMENT AMOUNTS'';

(2) in the matter preceding paragraph (1), by striking ''For the purpose'' and all that follows through ''made—'' and inserting ''For the purpose of subsections (a) and (c), the principal outstanding on all loans made by an insured System bank, and the amount outstanding on all investments made by an insured System bank, shall be determined based on—'';

(3) by inserting ''all loans or investments made'' before ''by'' the first place it appears in each of paragraph (1), (2), and (3); and

(4) in paragraphs (1) and (2), by inserting ''or investments'' after ''that is able to make such loans'' each place it appears.

(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4(e)) is amended—

(1) in paragraph (3), by striking ''the average secure base amount for the calendar year (as calculated on an average daily balance basis)'' and inserting ''the secure base amount'';

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) there shall be credited to the Allocated Insurance Reserves Account of each insured System bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A)) as—

''(i) the average principal outstanding for the calendar year on insured obligations issued by the bank (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)); bears to

''(ii) the average principal outstanding for the calendar year on insured obligations issued by all insured System banks (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)).''; and

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''beginning more'' and all that follows through ''January 1, 2005'';

(ii) by striking clause (i) and inserting the following:

''(i) subject to subparagraph (D), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the balance in the Allocated Insurance Reserves Account of the System bank; and'';

(iii) in clause (ii)—

(I) by striking ''subparagraphs (C), (E), and (F)'' and inserting ''subparagraphs (C) and (E)''; and

(II) by striking '', of the lesser of—'' and all that follows through the end of subclause (II) and inserting ''at the time of the termination of the Financial Assistance Corporation, of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B).'';

(B) in subparagraph (C)—

(i) in clause (i), by striking ''(in addition to the amounts described in subparagraph (F)(ii))''; and

(ii) by striking clause (ii) and inserting the following:

''(iii) TERMINATION OF ACCOUNT.—On disbursement of amount equal to $56,000,000, the Corporation shall—

''(I) close the Account established under paragraph (1)(B); and

''(II) transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.''.

(C) by striking subparagraph (F).

SEC. 5305. CERTIFICATION OF PREMIUMS.

(a) FILING CERTIFIED STATEMENT.—Section 5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–5) is amended by striking subsection (a) and inserting the following:

''(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Board of Directors of the Corporation, each insured System bank that became insured before the beginning of the period for which premiums are being assessed (referred to in this section as the 'period') shall file with the Corporation a certified statement showing—

''(1) the average outstanding insured obligations for the period issued by the bank;

''(2)(A) the average principal outstanding for the period on the guaranteed portion of Federal government-guaranteed loans that are in accrual status; and

''(B) the average amount outstanding for the period of Federal government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(3)(A) the average principal outstanding for the period on State government-guaranteed loans that are in accrual status; and

''(B) the average amount outstanding for the period of State government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(4)(A) the average principal outstanding for the period on loans that are in nonaccrual status; and

''(B) the average amount outstanding for the period of other-than-temporarily impaired investments; and

''(5) the amount of the premium due the Corporation from the bank for the period.''.

(b) PREMIUM PAYMENTS.—Section 5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–5(c)) is amended by striking subsection (c) and inserting the following:

''(c) PREMIUM PAYMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each insured System bank shall pay to the Corporation the premium payments required under subsection (a), not more frequently than once in each calendar quarter, in such manner and at such 1 or more times as the Board of Directors shall prescribe.

''(2) PREMIUM AMOUNT.—The amount of the premium shall be established not later than 60 days after filing the certified statement specifying the amount of the premium.''.

(c) SUBSEQUENT PREMIUM PAYMENTS.—Section 5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–5) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 5306. RURAL UTILITY LOANS.

(a) DEFINITION OF QUALIFIED LOAN.—Section 8.0(9) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)) is amended—

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

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

(3) by adding at the end the following:

''(C) that is a loan, or an interest in a loan, for an electric or telephone facility by a cooperative lender to a borrower that has received, or is eligible to receive, a loan under

the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).''.

(b) GUARANTEE OF QUALIFIED LOANS.—Section 8.6(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6(a)(1)) is amended by inserting ''applicable'' before ''standards'' each place it appears in subparagraphs (A) and (B)(i).

(c) STANDARDS FOR QUALIFIED LOANS.—Section 8.8 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–8) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following:

''(1) IN GENERAL.—The Corporation shall establish underwriting, security appraisal, and repayment standards for qualified loans taking into account the nature, risk profile, and other differences between different categories of qualified loans.

''(2) SUPERVISION, EXAMINATION, AND REPORT OF CONDITION.—The standards shall be subject to the authorities of the Farm Credit Administration under section 8.11.''; and

(B) in the last sentence, by striking ''In establishing'' and inserting the following:

''(3) MORTGAGE LOANS.—In establishing'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''with respect to loans secured by agricultural real estate'' after ''subsection (a)''; and

(B) in paragraph (5)—

(i) by striking ''borrower'' the first place it appears and inserting ''farmer or rancher''; and

(ii) by striking ''site'' and inserting ''farm or ranch'';

(3) in subsection (c)(1), by inserting ''secured by agricultural real estate'' after ''A loan'';

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

(d) RISK-BASED CAPITAL LEVELS.—Section 8.32(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–1(a)(1)) is amended—

(1) by striking ''With respect'' and inserting the following:

''(A) IN GENERAL.—With respect''; and

(2) by adding at the end the following:

''(B) RURAL UTILITY LOANS.—With respect to securities representing an interest in, or obligation backed by, a pool of qualified loans described in section 8.0(9)(C) owned or guaranteed by the Corporation, losses occur at a rate of default and severity reasonably related to risks in electric and telephone facility loans (as applicable), as determined by the Director.''.

SEC. 5307. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

(a) IN GENERAL.—The Farm Credit Act of 1971 is amended by inserting after section 7.6 (12 U.S.C. 2279b) the following:

''SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

''(a) EQUALIZATION OF LOAN-MAKING POWERS.—

''(1) IN GENERAL.—

''(A) FEDERAL LAND BANK OR CREDIT ASSOCIATION.—Subject to paragraph (2), any association that under its charter has title II lending authority and that owns, is owned by, or is under common ownership with, a Federal land bank association authorized as of January 1, 2007, to make long-term loans under title I in the geographic area described in subsection (b) may make short- and intermediate-term loans and otherwise operate as a production credit association under title II in the geographic area.

''(B) PRODUCTION CREDIT ASSOCIATIONS.—Subject to paragraph (2), any association that under its charter has title I lending authority and that owns, is owned by, or is under common ownership with, a production credit association authorized as of January 1, 2007, to make short- and intermediate-term loans under title II in the geographic area described in subsection (b) may make long-term loans and otherwise operate as a Federal land bank association or Federal land credit association under title I in the geographic area.

''(C) FARM CREDIT BANK.—The Farm Credit Bank with which any association had a written financing agreement as of January 1, 2007, may make loans and extend other similar financial assistance with respect to, and may purchase, any loans made under the new authority provided under subparagraph (A) or (B) by an association that owns, is owned by, or is under common ownership with, the association.

''(2) REQUIRED APPROVALS.—An association may exercise the additional authority provided for in paragraph (1) only after the exercise of the authority is approved by—

''(A) the board of directors of the association; and

''(B) a majority of the voting stockholders of the association (or, if the association is a subsidiary of another association, the voting stockholders of the parent association) voting, in person or by proxy, at a duly authorized meeting of stockholders.

''(b) APPLICABILITY.—This section applies only to associations the chartered territory of which is in the geographic area served by the Federal intermediate credit bank that merged with a Farm Credit Bank under section 410(e)(1) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233).''.

(b) CHARTER AMENDMENTS.—Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended by adding at the end the following:

''(15)(A) Approve amendments to the charters of institutions of the Farm Credit System to implement the equalization of loan-making powers of a Farm Credit System association under section 7.7.

''(B) Amendments described in subparagraph (A) to the charters of an association and the related Farm Credit Bank shall be approved by the Farm Credit Administration on the date on which the Farm Credit Administration receives all approvals required by section 7.7(a)(2).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended—

(A) by striking ''(2)(A)'' and inserting ''(2)''; and

(B) by striking subparagraphs (B) and (C).

(2) Section 410(e)(1)(A)(iii) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233) is amended by inserting ''(other than section 7.7 of that Act)'' after ''(12 U.S.C. 2001 et seq.)''.

(3) Section 401(b) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (12 U.S.C. 2011 note; Public Law 102–552) is amended—

(A) by inserting ''(other than section 7.7 of the Farm Credit Act of 1971)'' after ''provision of law''; and

(B) by striking '', subject to such limitations'' and all that follows through the end of the paragraph and inserting a period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2009.

Subtitle E—Miscellaneous

SEC. 5401. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

The first section of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) by striking ''That the Secretary'' and inserting the following:

''SECTION 1. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) HIGHLY FRACTIONATED LAND.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture may make and insure loans in accordance with section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) to eligible purchasers of highly fractionated land pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)).

''(2) EXCLUSION.—Section 4 shall not apply to trust land, restricted tribal land, or tribal corporation land that is mortgaged in accordance with paragraph (1).''.

SEC. 5402. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree'' means the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999.

(2) PIGFORD CLAIM.—The term ''Pigford claim'' means a discrimination complaint, as defined by section 1(h) of the consent decree and documented under section 5(b) of the consent decree.

(3) PIGFORD CLAIMANT.—The term ''Pigford claimant'' means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(b) DETERMINATION ON MERITS.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action brought in the United States District Court for the District of Columbia, obtain that determination.

(c) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure under subsection (g)) shall be made exclusively from funds made available under subsection (h).

(2) MAXIMUM AMOUNT.—The total amount of payments and debt relief pursuant to an action commenced under subsection (b) shall not exceed $100,000,000.

(d) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim denied that determination.

(e) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—Not later than 60 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans made within the claimant's county or adjacent county by the Department during the period beginning on January 1 of the year preceding the year or years covered by the complaint and ending on December 31 of year following such year or years. Such report shall contain information on all persons whose application for a loan was accepted, including—

(A) the race of the applicant;

(B) the date of application;

(C) the date of the loan decision;

(D) the location of the office making the loan decision; and

(E) all data relevant to the process of deciding on the loan.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person that applied for a loan from the Department of Agriculture.

(f) EXPEDITED RESOLUTIONS AUTHORIZED.—Any person filing a complaint under this Act

for discrimination in the application for, or making or servicing of, a farm loan, at his or her discretion, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the discrimination that is the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(1) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove his or her case by substantial evidence (as defined in section 1(l) of the consent decree); and

(2) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(g) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, the Secretary may not begin acceleration on or foreclosure of a loan if the borrower is a Pigford claimant and, in an appropriate administrative proceeding, makes a prima facie case that the foreclosure is related to a Pigford claim.

(h) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g) $100,000,000 for fiscal year 2008, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5403. SENSE OF THE SENATE RELATING TO CLAIMS BROUGHT BY SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

It is the sense of the Senate that the Secretary should resolve all claims and class actions brought against the Department of Agriculture by socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)), including Native American, Hispanic, and female farmers or ranchers, based on racial, ethnic, or gender discrimination in farm program participation in an expeditious and just manner.

SEC. 5404. ELIGIBILITY OF EQUINE FARMERS AND RANCHERS FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in paragraph (1), by striking ''farmers, ranchers'' and inserting ''farmers or ranchers (including equine farmers or ranchers)''; and

(2) in paragraph (2)(A), by striking ''farming, ranching,'' and inserting ''farming or ranching (including equine farming or ranching)''.

TITLE VI—RURAL DEVELOPMENT AND INVESTMENT

Subtitle A—Consolidated Farm and Rural Development Act

SEC. 6001. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended, by striking ''2007'' and inserting ''2012''.

SEC. 6002. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6003. CHILD DAY CARE FACILITY GRANTS, LOANS, AND LOAN GUARANTEES.

Section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) is amended by striking subparagraph (C) and inserting the following:

''(C) CHILD DAY CARE FACILITIES.—

''(i) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the costs of grants, loans, and loan guarantees to pay the Federal share of the cost of developing and constructing day care facilities for children in rural areas, as determined by the Secretary, $40,000,000 for fiscal year 2008, to remain available until expended.

''(ii) RELATIONSHIP TO OTHER FUNDING AND AUTHORITIES.—The funds and authorities made available under this subparagraph shall be in addition to other funds and authorities relating to development and construction of rural day care facilities.''.

SEC. 6004. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)) is amended—

(1) in subparagraph (B), by striking ''2002 (115 Stat. 719)'' and inserting ''2008''; and

(2) in subparagraph (C), by striking ''$15,000,000 for fiscal year 2003'' and inserting ''$20,000,000 for fiscal year 2008''.

SEC. 6005. MULTIJURISDICTIONAL REGIONAL PLANNING ORGANIZATIONS.

Section 306(a)(23)(E) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(23)(E)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6006. RURAL HOSPITAL LOANS AND LOAN GUARANTEES.

Section 306(a)(24) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(24)) is amended by adding at the end the following:

''(C) RURAL HOSPITALS.—

''(i) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the costs of loans and loan guarantees to pay the Federal share of the cost of rehabilitating or improving hospitals that have not more than 100 acute beds in rural areas, as determined by the Secretary, $50,000,000 for fiscal year 2008, to remain available until expended.

''(ii) PRIORITY.—In making loans and loan guarantees under this subparagraph, the Secretary shall give priority to hospitals for—

''(I) the provision of facilities to improve and install patient care, health quality outcomes, and health information technology, including computer hardware and software, equipment for electronic medical records, handheld computer technology, and equipment that improves interoperability; or

''(II) the acquisition of equipment and software purchased collectively in a cost effective manner to address technology needs.

''(iii) RELATIONSHIP TO OTHER FUNDING AND AUTHORITIES.—The funds and authorities made available under this subparagraph shall be in addition to other funds and authorities relating to rehabilitation and improvement of hospitals described in clause (i).''.

SEC. 6007. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)) is amended—

(1) in subparagraph (B)(ii), by striking ''75 percent'' and inserting ''95 percent''; and

(2) in subparagraph (C), by striking ''2007'' and inserting ''2012''.

SEC. 6008. COMMUNITY FACILITY LOANS AND GRANTS FOR FREELY ASSOCIATED STATES AND OUTLYING AREAS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

''(26) COMMUNITY FACILITY LOANS AND GRANTS FOR FREELY ASSOCIATED STATES AND OUTLYING AREAS.—

''(A) IN GENERAL.—Subject to subparagraph (B), of the amount that is made available for each fiscal year for each of the community facility loan and grant programs established under paragraphs (1), (19), (20), (21), and (25), the Secretary shall allocate 0.5 percent of the amount for making loans or grants (as applicable) under the program to eligible entities that are located in freely associated States or outlying areas (as those terms are defined in section 1121(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(c)) that are subject to the jurisdiction of the United States and are otherwise covered by this Act.

''(B) REALLOCATION.—If the Secretary determines that a sufficient number of applications for loans or grants for a program described in subparagraph (A) have not been received from eligible entities for a fiscal year during the 180-day period beginning on October 1 of the fiscal year, the Secretary shall reallocate any unused funds to make loans or grants (as applicable) under the program to eligible entities that are located in States.''.

SEC. 6009. PRIORITY FOR COMMUNITY FACILITY LOAN AND GRANT PROJECTS WITH HIGH NON-FEDERAL SHARE.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6008) is amended by adding at the end the following:

''(27) PRIORITY FOR COMMUNITY FACILITY LOAN AND GRANT PROJECTS WITH HIGH NON-FEDERAL SHARE.—In carrying out the community facility loan and grant programs established under paragraphs (1), (19), (20), (21), and (25), the Secretary shall give priority to projects that will be carried out with a non-Federal share of funds that is substantially greater than the minimum requirement, as determined by the Secretary by regulation.''.

SEC. 6010. SEARCH GRANTS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6009) is amended by adding at the end the following:

''(28) APPLICATIONS FILED BY ELIGIBLE COMMUNITIES.—

''(A) ELIGIBLE COMMUNITY.—In this paragraph, the term 'eligible community' means a community that, as determined by the Secretary—

''(i) has a population of 2,500 or fewer inhabitants; and

''(ii) is financially distressed.

''(B) APPLICATIONS.—In the case of water and waste disposal and wastewater facilities grant programs authorized under this title, the Secretary may accept applications from eligible communities for grants for feasibility study, design, and technical assistance.

''(C) TERMS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the terms of the grant programs described in subparagraph (B) shall apply to the applications described in that subparagraph.

''(ii) EXCEPTIONS.—Grants made pursuant to applications described in subparagraph (B)—

''(I) shall fund up to 100 percent of eligible project costs; and

''(II) shall be subject to the least documentation requirements practicable.

''(iii) PROCESSING.—The Secretary shall process applications received under subparagraph (B) in the same manner as other similar grant applications.

''(D) FUNDING.—In addition to any other funds made available for technical assistance, the Secretary may use to carry out this paragraph not more than 4 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facilities.''.

SEC. 6011. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6012. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) is amended—

(1) in subsection (a)—

(A) by striking ''make grants to the State'' and inserting ''make grants to—

''(1) the State'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) the Denali Commission to improve solid waste disposal sites that are contaminating, or threaten to contaminate, rural drinking water supplies in the State of Alaska.'';

(2) in subsection (b), by striking ''the State of Alaska'' and inserting ''a grantee'';

(3) in subsection (c)—

(A) in the subsection heading by striking ''WITH THE STATE OF ALASKA''; and

(B) by striking ''the State of Alaska'' and inserting ''the appropriate grantee under subsection (a)''; and

(4) in subsection (d)(1), by striking ''2007'' and inserting ''2012''.

SEC. 6013. GRANTS TO DEVELOP WELLS IN RURAL AREAS.

(a) GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.—Section 306E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e(d)) is amended by striking ''2007'' and inserting ''2012''.

(b) GRANTS TO DEVELOP AREA WELLS IN ISOLATED AREAS.—Subtitle A of the Consolidated Farm and Rural Development Act is amended by inserting after section 306E (7 U.S.C. 1926e) the following:

''SEC. 306F. GRANTS TO DEVELOP AREA WELLS IN ISOLATED AREAS.

''(a) DEFINITION OF ISOLATED AREA.—In this section, the term 'isolated area' means an area—

''(1) in which the development of a traditional water system is not financially practical due to—

''(A) the distances or geography of the area; and

''(B) the limited number of households present to be served; and

''(2) that is not part of a city of more than 1,000 inhabitants.

''(b) GRANTS.—The Secretary may make grants to nonprofit organizations to develop and construct household, shared, and community water wells in isolated rural areas.

''(c) PRIORITY IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall give priority to applicants that have demonstrated experience in developing safe and similar projects including household, shared, and community wells in rural areas.

''(d) REQUIREMENTS.—

''(1) IN GENERAL.—As a condition on receipt of a grant under this section, the water from wells funded under this section shall be tested annually for water quality, as determined by the Secretary.

''(2) RESULTS.—The results of tests under paragraph (1) shall be made available to—

''(A) the users of the wells; and

''(B) the appropriate State agency.

''(e) LIMITATION.—The amount of a grant under this section shall not exceed the lesser of—

''(1) $50,000; or

''(2) the amount that is 75 percent of the cost of a single well and associated system.

''(f) PROHIBITION.—The Secretary may not award grants under this section in any area in which a majority of the users of a proposed well have a household income that is greater than the nonmetropolitan median household income of the State or territory, as determined by the Secretary.

''(g) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount of a grant made under this section may be used to pay administrative expenses associated with providing project assistance, as determined by the Secretary.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6014. COOPERATIVE EQUITY SECURITY GUARANTEE.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended—

(1) in the first sentence of subsection (a), by inserting ''and private investment funds that invest primarily in cooperative organizations'' after ''or nonprofit''; and

(2) in subsection (g)—

(A) in paragraph (1), by inserting'', including guarantees described in paragraph (3)(A)(ii)'' before the period at the end;

(B) in paragraph (3)(A)—

(i) by striking ''(A) IN GENERAL.—The Secretary'' and inserting the following:

''(A) ELIGIBILITY.—

''(i) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(ii) EQUITY.—The Secretary may guarantee a loan made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance under subsection (a)(1), as determined by the Secretary.''; and

(C) in paragraph (8)(A)(ii), by striking ''a project—'' and all that follows through the end of subclause (II) and inserting ''a project that—

''(I)(aa) is in a rural area; and

''(bb) provides for the value-added processing of agricultural commodities; or

''(II) significantly benefits 1 or more entities eligible for assistance under subsection (a)(1), as determined by the Secretary.''.

SEC. 6015. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) ELIGIBILITY.—Section 310B(e)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)) is amended—

(1) in subparagraph (A), by striking ''a nationally coordinated, regionally or Statewide operated project'' and inserting ''activities to promote and assist the development of cooperatively- and mutually-owned businesses'';

(2) in subparagraph (B), by inserting ''to promote and assist the development of cooperatively- and mutually-owned businesses'' before the semicolon;

(3) by striking subparagraph (D);

(4) by redesignating subparagraph (E) as subparagraph (D);

(5) in subparagraph (D) (as so redesignated), by striking ''and'' at the end;

(6) by inserting after subparagraph (D) (as so redesignated) the following:

''(E) demonstrate a commitment to—

''(i) networking with and sharing the results of the efforts of the center with other cooperative development centers and other organizations involved in rural economic development efforts; and

''(ii) developing multiorganization and multistate approaches to addressing the cooperative and economic development needs of rural areas; and'';

(7) in subparagraph (F), by striking ''providing greater than'' and inserting ''providing''.

(b) AUTHORITY TO AWARD MULTIYEAR GRANTS.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by striking paragraph (6) and inserting the following:

''(6) GRANT PERIOD.—

''(A) IN GENERAL.—A grant awarded to a center that has received no prior funding under this subsection shall be made for a period of 1 year.

''(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not more than 3 years, to a center that has successfully met the goals described in paragraph (3) in providing services under this subsection, as determined by the Secretary.''.

(c) AUTHORITY TO EXTEND GRANT PERIOD.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (12), respectively; and

(2) inserting after paragraph (6) the following:

''(7) AUTHORITY TO EXTEND GRANT PERIOD.—The Secretary may extend for 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.''.

(d) COOPERATIVE RESEARCH PROGRAM.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (9) (as redesignated by subsection (c)(1)) the following:

''(10) COOPERATIVE RESEARCH PROGRAM.—The Secretary shall enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the national economic effects of all types of cooperatives.''.

(e) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (10) (as added by subsection (d)) the following:

''(11) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—

''(A) DEFINITION OF SOCIALLY DISADVANTAGED.—In this paragraph, the term 'socially disadvantaged' has the meaning given the term in section 355(e).

''(B) RESERVATION OF FUNDS.—

''(i) IN GENERAL.—If the total amount appropriated under paragraph (12) for a fiscal year exceeds $7,500,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged communities, a majority of the boards of directors or governing boards of which are comprised of socially disadvantaged individuals.

''(ii) INSUFFICIENT APPLICATIONS.—To the extent that the Secretary determines that funds reserved under clause (i) would not be used for grants described in that clause due to insufficient applications for the grants,

the Secretary shall use the funds as otherwise authorized by this subsection.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (12) of section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) (as redesignated by subsection (c)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6016. GRANTS TO BROADCASTING SYSTEMS.

Section 310B(f)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)(3)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6017. LOCALLY-PRODUCED AGRICULTURAL FOOD PRODUCTS.

Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

''(9) LOCALLY-PRODUCED AGRICULTURAL FOOD PRODUCTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) LOCALLY-PRODUCED AGRICULTURAL FOOD PRODUCT.—The term 'locally-produced agricultural food product' means any agricultural product raised, produced, and distributed in—

''(I) the locality or region in which the final agricultural product is marketed, so that the total distance that the agricultural product is transported is less than 300 miles from the origin of the agricultural product; or

''(II) the State in which the agricultural product is produced.

''(ii) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community and an Indian tribal community) that has, as determined by the Secretary—

''(I) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets or a high incidence of a diet-related disease as compared to the national average, including obesity; and

''(II) a high rate of hunger or food insecurity or a high poverty rate.

''(B) LOAN AND LOAN GUARANTEE PROGRAM.—

''(i) IN GENERAL.—The Secretary, acting through the Administrator of the Rural Business-Cooperative Service in coordination with the Administration of the Agricultural Marketing Service, shall make or guarantee loans to individuals, cooperatives, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally-produced agricultural food products.

''(ii) REQUIREMENT.—The recipient of a loan or loan guarantee under clause (i) shall agree to make a reasonable effort, as determined by the Secretary, to work with retail and institutional facilities to which the recipient sells locally-produced agricultural food products to inform the consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally-produced agricultural food products.

''(iii) PRIORITY.—In making or guaranteeing a loan under clause (i), the Secretary shall give priority to—

''(I) projects that support community development and farm and ranch income by marketing, distributing, storing, aggregating, or processing a locally-produced agricultural food product; and

''(II) projects that have components benefitting underserved communities.

''(iv) RETAIL OR INSTITUTIONAL FACILITIES.—The Secretary may allow recipients of loans or loan guarantees under clause (i) to provide up to $250,000 in loan or loan guarantee funds per retail or institutional facility for an underserved community in a rural or nonrural area to help retail facilities—

''(I) to modify and update the facilities to accommodate locally-produced agricultural food products; and

''(II) to provide outreach to consumers about the sale of locally-produced agricultural food products.

''(v) REPORTS.—Not later than 1 year after the date of enactment of this paragraph and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes projects carried out using loans or loan guarantees made under clause (i), including—

''(I) the characteristics of the communities served by the projects; and

''(II) benefits of the projects.

''(vi) RESERVATION OF FUNDS.—

''(I) IN GENERAL.—For each of fiscal years 2008 through 2012, the Secretary shall reserve not less than 5 percent of the funds made available to carry out this subsection to carry out this subparagraph.

''(II) AVAILABILITY OF FUNDS.—Funds reserved under subclause (I) for a fiscal year shall be reserved until April 1 of the fiscal year.''.

SEC. 6018. CENTER FOR HEALTHY FOOD ACCESS AND ENTERPRISE DEVELOPMENT.

Paragraph (9) of section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) (as added by section 6017) is amended by adding at the end the following:

''(C) CENTER FOR HEALTHY FOOD ACCESS AND ENTERPRISE DEVELOPMENT.—

''(i) IN GENERAL.—The Secretary, acting through the Agricultural Marketing Service, shall establish and support a Center for Healthy Food Access and Enterprise Development.

''(ii) DUTIES.—The Center established under clause (i) shall contract with 1 or more nonprofit entities to provide technical assistance and disseminate information to food wholesalers and retailers concerning best practices for the aggregating, storage, processing, and marketing of locally-produced agricultural food products.

''(iii) DEADLINE.—The Secretary shall establish the Center not later than 180 days after the date on which funds are made available under clause (iv).

''(iv) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6019. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

''(i) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

''(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term 'national nonprofit agricultural assistance institution' means an organization that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

''(B) has staff and offices in multiple regions of the United States;

''(C) has experience and expertise in operating national sustainable agriculture technical assistance programs; and

''(D) provides the technical assistance through toll-free hotlines, 1 or more websites, publications, and workshops.

''(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to help the agricultural producers—

''(A) reduce input costs;

''(B) conserve energy resources;

''(C) diversify operations through new energy crops and energy generation facilities; and

''(D) expand markets for the agricultural commodities produced by the producers through use of practices involving sustainable agriculture.

''(3) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance organization.

''(B) GRANT AMOUNT.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information described in paragraph (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6020. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) (as amended by section 6019) is amended by adding at the end the following:

''(j) RURAL ECONOMIC AREA PARTNERSHIP ZONES.—For the period beginning on the date of enactment of this subsection and ending on September 30, 2012, the Secretary shall carry out rural economic area partnership zones in the States of New York, North Dakota, and Vermont, in accordance with the terms and conditions contained in the memorandums of agreement entered into by the Secretary for the rural economic area partnership zones, except as otherwise provided in this subsection.''.

SEC. 6021. DEFINITIONS.

(a) RURAL AREA.—Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking paragraph (13) and inserting the following:

''(13) RURAL AND RURAL AREA.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the terms 'rural' and 'rural area' mean any area other than—

''(i) a city or town that has a population of greater than 50,000 inhabitants, except that, for all activities under programs in the rural development mission area within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any portion of the areas as a rural area or eligible rural community that the Secretary determines is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place;

''(ii) any urbanized area (as defined by the Bureau of the Census) contiguous and adjacent to a city or town described in clause (i); and

''(iii) any collection of census blocks contiguous to each other (as defined by the Bureau of the Census) that—

''(I) is adjacent to a city or town described in clause (i) or an urbanized area described in clause (ii); and

''(II) has a housing density that the Secretary estimates is greater than 200 housing units per square mile, except that an applicant may appeal the estimate based on actual data for the area.

''(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than—

''(i) an area described in clause (i), (ii), or (iii) of subparagraph (A); and

''(ii) a city, town, or unincorporated area that has a population of greater than 10,000 inhabitants.

''(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than—

''(i) an area described in clause (i), (ii), or (iii) of subparagraph (A); and

''(ii) a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.''.

(b) ADDITIONAL TERMS.—Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by adding at the end the following:

''(14) SUSTAINABLE AGRICULTURE.—The term 'sustainable agriculture' means an integrated system of plant and animal production practices having a site-specific application that will, over the long-term—

''(A) satisfy human food and fiber needs;

''(B) enhance environmental quality and the natural resource base upon which the agriculture economy depends;

''(C) make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;

''(D) sustain the economic viability of farm operations; and

''(E) enhance the quality of life for farmers and society as a whole.

''(15) TECHNICAL ASSISTANCE.—The term 'technical assistance' means managerial, financial, operational, and scientific analysis and consultation to assist an individual or entity (including a borrower or potential borrower under this title)—

''(A) to identify and evaluate practices, approaches, problems, opportunities, or solutions; and

''(B) to assist in the planning, implementation, management, operation, marketing, or maintenance of projects authorized under this title.''.

SEC. 6022. RURAL MICROENTERPRISE ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (as amended by section 5207) is amended by inserting after section 365 the following:

''SEC. 366. RURAL MICROENTERPRISE ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) LOW- OR MODERATE-INCOME INDIVIDUAL.—The term 'low- or moderate-income individual' means an individual with an income (adjusted for family size) of not more than 80 percent of the national median income.

''(3) MICROCREDIT.—The term 'microcredit' means a business loan or loan guarantee of not more than $50,000 that is provided to a rural microenterprise.

''(4) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term 'microenterprise development organization' means an organization that—

''(A) is—

''(i) a nonprofit entity;

''(ii) an Indian tribe, the tribal government of which certifies to the Secretary that no microenterprise development organization or microenterprise development program exists under the jurisdiction of the Indian tribe; or

''(iii) for the purpose of subsection (b), a public institution of higher education;

''(B) provides training and technical assistance to rural microenterprises;

''(C) facilitates access to capital or another service described in subsection (b) for rural microenterprises; and

''(D) has a demonstrated record of delivering services to economically disadvantaged microenterprises, or an effective plan to develop a program to deliver microenterprise services to rural microenterprises effectively, as determined by the Secretary.

''(5) RURAL CAPACITY BUILDING SERVICE.—The term 'rural capacity building service' means a service provided to an organization that—

''(A) is, or is in the process of becoming, a microenterprise development organization; and

''(B) serves rural areas for the purpose of enhancing the ability of the organization to provide training, technical assistance, and other services relating to rural development.

''(6) RURAL MICROENTERPRISE.—

''(A) IN GENERAL.—The term 'rural microenterprise' means an individual described in subparagraph (B) who is unable to obtain sufficient training, technical assistance, or microcredit other than under this section, as determined by the Secretary.

''(B) DESCRIPTION.—An individual described in this subparagraph is—

''(i) a self-employed individual located in a rural area; or

''(ii) an owner and operator, or prospective owner and operator, of a business entity located in a rural area with not more than 10 full-time-equivalent employees.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Rural Business-Cooperative Service.

''(b) RURAL MICROENTERPRISE PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a rural microenterprise program.

''(2) PURPOSE.—The purpose of the rural microenterprise program shall be to provide low- or moderate-income individuals with—

''(A) the skills necessary to establish new rural microenterprises; and

''(B) continuing technical and financial assistance as individuals and business starting or operating rural microenterprises.

''(3) GRANTS.—

''(A) IN GENERAL.—The Secretary may make a grant under the rural microenterprise program to microenterprise development organizations—

''(i) to provide training, operational support, business planning assistance, market development assistance, and other related services to rural microenterprises, with an emphasis on rural microenterprises that —

''(I) are composed of low- or moderate-income individuals; or

''(II) are in areas that have lost population;

''(ii) to assist in researching and developing the best practices in delivering training, technical assistance, and microcredit to rural microenterprises; and

''(iii) to carry out such other projects and activities as the Secretary determines to be consistent with the purposes of this section.

''(B) DIVERSITY.—In making grants under this paragraph, the Secretary shall ensure, to the maximum extent practicable, that grant recipients include microenterprise development organizations—

''(i) of varying sizes; and

''(ii) that serve racially- and ethnically-diverse populations.

''(C) COST SHARING.—

''(i) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds from a grant made under this paragraph shall be 75 percent.

''(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project described in clause (i) may be provided—

''(I) in cash (including through fees, grants (including community development block grants), and gifts); or

''(II) as in-kind contributions.

''(4) RURAL MICROLOAN PROGRAM.—

''(A) ESTABLISHMENT.—In carrying out the rural microenterprise program, the Secretary may carry out a rural microloan program.

''(B) PURPOSE.—The purpose of the rural microloan program shall be to provide technical and financial assistance to rural microenterprises that—

''(i) are composed of low- or moderate-income individuals; or

''(ii) are in areas that have lost population.

''(C) AUTHORITY OF SECRETARY.—In carrying out the rural microloan program, the Secretary may—

''(i) make direct loans to microentrerprise development organizations for the purpose of making fixed interest rate microloans to startup, newly established, and growing rural microenterprises; and

''(ii) in conjunction with those loans, provide technical assistance grants in accordance with subparagraph (E) to those microentrerprise development organizations.

''(D) LOAN DURATION; INTEREST RATES; CONDITIONS.—

''(i) LOAN DURATION.—A direct loan made by the Secretary under this paragraph shall be for a term not to exceed 20 years.

''(ii) APPLICABLE INTEREST RATE.—A direct loan made by the Secretary under this paragraph shall bear an annual interest rate of 1 percent.

''(iii) LOAN LOSS RESERVE FUND.—The Secretary shall require each microentrerprise development organization that receives a direct loan under this paragraph to—

''(I) establish a loan loss reserve fund; and

''(II) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microentrerprise development organization, until all obligations owed to the Secretary under this paragraph are repaid.

''(iv) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary shall permit the deferral of payments on principal and interest due on a loan made under this paragraph during the 2-year period beginning on the date on which the loan is made.

''(E) TECHNICAL ASSISTANCE GRANT AMOUNTS.—

''(i) IN GENERAL.—Except as otherwise provided in this section, each microentrerprise development organization that receives a direct loan under this paragraph shall be eligible to receive a technical assistance grant to provide marketing, management, and technical assistance to rural microenterprises that are borrowers or potential borrowers under this subsection.

''(ii) MAXIMUM AMOUNT OF TECHNICAL ASSISTANCE GRANT FOR MICROENTERPRISE DEVELOPMENT ORGANIZATIONS.—Each microenterprise development organization that receives a direct loan under this paragraph shall receive an annual technical assistance grant in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under this paragraph, as of the date of provision of the technical assistance grant.

''(iii) MATCHING REQUIREMENT.—

''(I) IN GENERAL.—As a condition of any grant made to a microentrerprise development organization under this subparagraph, the Secretary shall require the microentrerprise development organization to match not less than 15 percent of the total amount of the grant.

''(II) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project described in subclause (I) may be provided—

''(aa) in cash; or

''(bb) as indirect costs or in-kind contributions.

''(c) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant received by a microentrerprise development organization for a fiscal year under this section may be used to pay administrative expenses.

''(d) FUNDING.—

''(1) MANDATORY FUNDING.—

''(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $40,000,000 for fiscal year 2008, to remain available until expended.

''(B) ALLOCATION OF FUNDS.—Of the amount made available by subparagraph (A) for fiscal year 2008—

''(i) not less than $25,000,000 shall be available for use in carrying out subsection (b)(3); and

''(ii) not less than $15,000,000 shall be available for use in carrying out subsection (b)(4), of which not more than $7,000,000 shall be used for the cost of direct loans.

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.''.

SEC. 6023. ARTISANAL CHEESE CENTERS.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 366 (as added by section 6022) the following:

''SEC. 367. ARTISANAL CHEESE CENTERS.

''(a) IN GENERAL.—The Secretary shall establish artisanal cheese centers to provide educational and technical assistance relating to the manufacture and marketing of artisanal cheese by small- and medium-sized producers and businesses.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 6024. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended—

(1) in subsection (g)(1), by striking ''2007'' and inserting ''2012''; and

(2) in subsection (h), by striking ''the date that is 5 years after the date of enactment of this section'' and inserting ''September 30, 2012''.

SEC. 6025. HISTORIC BARN PRESERVATION.

Section 379A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE PROJECTS.—

''(A) IN GENERAL.—A grant under this subsection may be made to an eligible applicant for a project—

''(i) to rehabilitate or repair a historic barn;

''(ii) to preserve a historic barn; and

''(iii) to identify, document, survey, and conduct research on a historic barn or historic farm structure to develop and evaluate appropriate techniques or best practices for protecting historic barns.

''(B) PRIORITY.—The Secretary shall give the highest funding priority to grants for projects described in subparagraph (A)(iii).''; and

(2) in paragraph (4), by striking ''2007'' and inserting ''2012''.

SEC. 6026. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6027. GRANTS TO TRAIN FARM WORKERS IN NEW TECHNOLOGIES AND TO TRAIN FARM WORKERS IN SPECIALIZED SKILLS NECESSARY FOR HIGHER VALUE CROPS.

Section 379C(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6028. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

''SEC. 379E. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

''(a) DEFINITIONS.—In this section:

''(1) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(2) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.

''(b) GRANTS.—The Secretary shall make grants to nonprofit organizations, or to a consortium of nonprofit organizations, to expand and enhance employment opportunities for individuals with disabilities in rural areas.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a nonprofit organization or consortium of nonprofit organizations shall have—

''(1) a significant focus on serving the needs of individuals with disabilities;

''(2) demonstrated knowledge and expertise in—

''(A) employment of individuals with disabilities; and

''(B) advising private entities on accessibility issues involving individuals with disabilities;

''(3) expertise in removing barriers to employment for individuals with disabilities, including access to transportation, assistive technology, and other accommodations;

''(4) existing relationships with national organizations focused primarily on the needs of rural areas;

''(5) affiliates in a majority of the States; and

''(6) a close working relationship with the Department of Agriculture.

''(d) USES.—A grant received under this section may be used only to expand or enhance—

''(1) employment opportunities for individuals with disabilities in rural areas by developing national technical assistance and education resources to assist small businesses in a rural area to recruit, hire, accommodate, and employ individuals with disabilities; and

''(2) self-employment and entrepreneurship opportunities for individuals with disabilities in a rural area.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6029. DELTA REGIONAL AUTHORITY.

(a) HEALTH CARE SERVICES.—Section 382C of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–2) is amended by adding at the end the following:

''(c) HEALTH CARE SERVICES.—

''(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary may award a grant to the Delta Health Alliance for the development of health care services, health education programs, and health care job training programs fields, and for the development and expansion of public health-related facilities, in the Mississippi Delta region to address longstanding and unmet health needs in the Mississippi Delta region.

''(2) USE.—As a condition of the receipt of the grant, the Delta Health Alliance shall use the grant to fund projects and activities described in paragraph (1), based on input solicited from local governments, public health care providers, and other entities in the Mississippi Delta region.

''(3) FEDERAL INTEREST IN PROPERTY.—Notwithstanding any other provision of law, with respect to the use of grant funds provided under this subsection for a project involving the construction or major alteration of property, the Federal interest in the property shall terminate on the earlier of—

''(A) the date that is 1 year after the date of the completion of the project; or

''(B) the date on which the Federal Government is compensated for the proportionate interest of the Federal Government in the property, if the use of the property changes or the property is transferred or sold.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking ''2007'' and inserting ''2012''.

(c) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is amended by striking ''2007'' and inserting ''2012''.

(d) DELTA REGION AGRICULTURAL ECONOMIC DEVELOPMENT.—Section 379D(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008r(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6030. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) ESTABLISHMENT.—Section 383B of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1) is amended—

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

''(4) FAILURE TO CONFIRM.—

''(A) FEDERAL MEMBER.—Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not later than 180 days after the date of enactment of this paragraph, the Authority may organize and operate without the Federal member.

''(B) INDIAN CHAIRPERSON.—Notwithstanding any other provision of this section, if a chairperson of an Indian Tribe described in paragraph (2)(C) has not been confirmed by the Senate by not later than 180 days after the date of enactment of this paragraph, the leaders of the Indian tribes in the region may select that member.'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''to establish priorities and'' and inserting ''for multistate cooperation to advance the economic and social well-being of the region and to''

(B) in paragraph (3), by striking ''local development districts,'' and inserting ''regional and local development districts or organizations, regional boards established under subtitle I,'';

(C) in paragraph (4), by striking ''cooperation;'' and inserting ''cooperation for—

''(i) renewable energy development and transmission;

''(ii) transportation planning and economic development;

''(iii) information technology;

''(iv) movement of freight and individuals within the region;

''(v) federally-funded research at institutions of higher education; and

''(vi) conservation land management;'';

(D) by striking paragraph (6) and inserting the following:

''(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;''; and

(E) in paragraph (7), by inserting ''renewable energy,'' after ''commercial,''.

(3) in subsection (f)(2), by striking ''the Federal cochairperson'' and inserting ''a cochairperson'';

(4) in subsection (g)(1), by striking subparagraphs (A) through (C) and inserting the following:

''(A) for each of fiscal years 2008 and 2009, 100 percent;

''(B) for fiscal year 2010, 75 percent; and

''(C) for fiscal year 2011 and each fiscal year thereafter, 50 percent.''.

(b) INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.—

(1) IN GENERAL.—Subtitle G of the Consolidated Farm and Rural Development Act is amended—

(A) by redesignating sections 383C through 383N (7 U.S.C. 2009bb–2 through 2009bb–13) as sections 383D through 383O, respectively; and

(B) by inserting after section 383B (7 U.S.C. 2009bb–1) the following:

''SEC. 383C. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.

''(a) IN GENERAL.—The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

''(1) to develop a regional transmission system for movement of renewable energy to markets outside the region,

''(2) to assist in the harmonization of transportation policies and regulations that impact the interstate movement of goods and individuals, including the establishment of a Northern Great Plains Regional Transportation Working Group;

''(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

''(4) to establish a Regional Working Group on Agriculture Development and Transportation.

''(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

''(1) renewable energy development and transmission;

''(2) transportation planning and economic development;

''(3) information technology;

''(4) movement of freight and individuals within the region;

''(5) federally-funded research at institutions of higher education; and

''(6) conservation land management.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 383B(c)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(c)(3)(B)) is amended by striking ''383I'' and inserting ''383J''.

(B) Section 383D(a) of the Consolidated Farm and Rural Development Act (as redesignated by paragraph (1)(A)) is amended by striking ''383I'' and inserting ''383J''.

(C) Section 383E of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)(1), by striking ''383F(b)'' and inserting ''383G(b)''; and

(ii) in subsection (c)(2)(A), by striking ''383I'' and inserting ''383J''.

(D) Section 383G of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)—

(I) in paragraph (1), by striking ''383M'' and inserting ''383N''; and

(II) in paragraph (2), by striking ''383D(b)'' and inserting ''383E(b)'';

(ii) in subsection (c)(2)(A), by striking ''383E(b)'' and inserting ''383F(b)''; and

(iii) in subsection (d)—

(I) by striking ''383M'' and inserting ''383N''; and

(II) by striking ''383C(a)'' and inserting ''383D(a)''.

(E) Section 383J(c)(2) of the Consolidated Farm and Rural Development Act (as so redesignated) is amended by striking ''383H'' and inserting ''383I''.

(c) ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.—Section 383D of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''transportation and telecommunication'' and inserting ''transportation, renewable energy transmission, and telecommunication''; and

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(2) in subsection (b)(2), by striking ''the activities in the following order or priority'' and inserting ''the following activities''.

(d) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 383E(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended by striking '', including local development districts,''.

(e) MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.—Section 383F of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended—

(1) by striking the section heading and inserting ''**MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.**'';

(2) by striking subsections (a) and (b) and inserting the following:

''(a) DEFINITION OF MULTISTATE AND LOCAL DEVELOPMENT DISTRICT OR ORGANIZATION.—In this section, the term 'multistate and local development district or organization' means an entity—

''(1) that—

''(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

''(B) is—

''(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

''(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

''(iii) a nonprofit agency or instrumentality of a State or local government;

''(iv) a public organization established before the date of enactment of this subtitle under State law for creation of multijurisdictional, area-wide planning organizations;

''(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

''(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

''(2) that has not, as certified by the Federal cochairperson—

''(A) inappropriately used Federal grant funds from any Federal source; or

''(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

''(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

''(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

''(2) CONDITIONS FOR GRANTS.—

''(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the regional or local development district or organization receiving the grant.

''(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years.

''(3) LOCAL SHARE.—The contributions of a regional or local development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.''; and

(3) in subsection (c)—

(A) by striking ''DUTIES'' and inserting ''AUTHORITIES''; and

(B) in the matter preceding paragraph (1), by striking ''shall'' and inserting ''may''.

(f) DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.—Section 383G of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended—

(1) in subsection (b)(1), by striking ''75'' and inserting ''50'';

(2) by striking subsection (c);

(3) by redesignating subsection (d) as subsection (c); and

(4) in subsection (c) (as so redesignated)—

(A) in the subsection heading, by inserting '', RENEWABLE ENERGY,'' after ''TELECOMMUNICATION,''; and

(B) by inserting '', renewable energy,'' after ''telecommunication,''.

(g) DEVELOPMENT PLANNING PROCESS.—Section 383H of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended—

(1) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

''(A) multistate, regional, and local development districts and organizations; and''; and

(2) in subsection (d)(1), by striking ''State and local development districts'' and inserting ''multistate, regional, and local development districts and organizations''.

(h) PROGRAM DEVELOPMENT CRITERIA.—Section 383I(a)(1) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended by inserting ''multistate or'' before ''regional''.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 383N(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(j) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (as redesignated by subsection (b)(1)(A)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6031. RURAL BUSINESS INVESTMENT PROGRAM.

(a) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—Section 384F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–5) is amended—

(1) in subsection (a)(1), by inserting '', including an investment pool created entirely by such bank or savings association'' before the period at the end;

(2) in subsection (b)(3)(A), by striking ''In the event'' and inserting the following:

''(i) AUTHORITY TO PREPAY.—A debenture may be prepaid at any time without penalty.

''(ii) REDUCTION OF GUARANTEE.—Subject to clause (i), if''; and

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

''(6) DISTRIBUTIONS.—

''(A) IN GENERAL.—The Secretary shall authorize distributions to investors for unrealized income from a debenture.

''(B) TREATMENT.—Distributions made by a rural business investment company to an investor of private capital in the rural business investment company for the purpose of covering the tax liability of the investor resulting from unrealized income of the rural business investment company shall not require the repayment of a debenture.''.

(b) FEES.—Section 384G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–6) is amended—

(1) in subsection (a), by striking ''such fees as the Secretary considers appropriate'' and inserting ''a fee that does not exceed $500'';

(2) in subsection (b), by striking ''approved by the Secretary'' and inserting ''that does not exceed $500''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''The'' and inserting ''Except as provided in paragraph (3), the'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) shall not exceed $500 for any fee collected under this subsection.''; and

(C) by adding at the end the following:

''(3) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in paragraph (1) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of this paragraph.''.

(c) RURAL BUSINESS INVESTMENT COMPANIES.—Section 384I(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–8(c)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) TIME FRAME.—Each rural business investment company shall have a period of 2 years to meet the capital requirements of this subsection.''.

(d) FINANCIAL INSTITUTION INVESTMENTS.—Section 384J of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–9) is amended by striking subsection (c).

(e) CONTRACTING OF FUNCTIONS.—Section 384Q of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–16) is repealed.

(f) FUNDING.—The Consolidated Farm and Rural Development Act is amended by striking section 384S (7 U.S.C. 2009cc–18) and inserting the following:

''SEC. 384S. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this subtitle.''.

SEC. 6032. RURAL COLLABORATIVE INVESTMENT PROGRAM.

Subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd et seq.) is amended to read as follows:

''Subtitle I—Rural Collaborative Investment Program

''SEC. 385A. PURPOSE.

''The purpose of this subtitle is to establish a regional rural collaborative investment program—

''(1) to provide rural regions with a flexible investment vehicle, allowing for local control with Federal oversight, assistance, and accountability;

''(2) to provide rural regions with incentives and resources to develop and implement comprehensive strategies for achieving regional competitiveness, innovation, and prosperity;

''(3) to foster multisector community and economic development collaborations that will optimize the asset-based competitive advantages of rural regions with particular emphasis on innovation, entrepreneurship, and the creation of quality jobs;

''(4) to foster collaborations necessary to provide the professional technical expertise, institutional capacity, and economies of scale that are essential for the long-term competitiveness of rural regions; and

''(5) to better use Department of Agriculture and other Federal, State, and local governmental resources, and to leverage those resources with private, nonprofit, and philanthropic investments, to achieve measurable community and economic prosperity, growth, and sustainability.

''SEC. 385B. DEFINITIONS.

''In this subtitle:

''(1) BENCHMARK.—The term 'benchmark' means an annual set of goals and performance measures established for the purpose of assessing performance in meeting a regional investment strategy of a Regional Board.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) NATIONAL BOARD.—The term 'National Board' means the National Rural Investment Board established under section 385C(c).

''(4) NATIONAL INSTITUTE.—The term 'National Institute' means the National Institute on Regional Rural Competitiveness and Entrepreneurship established under section 385C(b)(2).

''(5) REGIONAL BOARD.—The term 'Regional Board' means a Regional Rural Investment Board described in section 385D(a).

''(6) REGIONAL INNOVATION GRANT.—The term 'regional innovation grant' means a grant made by the Secretary to a certified Regional Board under section 385F.

''(7) REGIONAL INVESTMENT STRATEGY GRANT.—The term 'regional investment strategy grant' means a grant made by the Secretary to a certified Regional Board under section 385E.

''SEC. 385C. ESTABLISHMENT AND ADMINISTRATION OF RURAL COLLABORATIVE INVESTMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a Rural Collaborative Investment Program to support comprehensive regional investment strategies for achieving rural competitiveness.

''(b) DUTIES OF SECRETARY.—In carrying out this subtitle, the Secretary shall—

''(1) appoint and provide administrative and program support to the National Board;

''(2) establish a national institute, to be known as the 'National Institute on Regional Rural Competitiveness and Entrepreneurship', to provide technical assistance to the Secretary and the National Board regarding regional competitiveness and rural entrepreneurship, including technical assistance for—

''(A) the development of rigorous analytic programs to assist Regional Boards in determining the challenges and opportunities that need to be addressed to receive the greatest regional competitive advantage;

''(B) the provision of support for best practices developed by the Regional Boards;

''(C) the establishment of programs to support the development of appropriate governance and leadership skills in the applicable regions; and

''(D) the evaluation of the progress and performance of the Regional Boards in achieving benchmarks established in a regional investment strategy;

''(3) work with the National Board to develop a national rural investment plan, which shall—

''(A) create a framework to encourage and support a more collaborative and targeted rural investment portfolio in the United States;

''(B) establish the Rural Philanthropic Initiative, to work with rural communities to create and enhance the pool of permanent philanthropic resources committed to rural community and economic development;

''(C) cooperate with the Regional Boards and State and local governments, organizations, and entities to ensure investment strategies are developed that take into consideration existing rural assets; and

''(D) encourage the organization of Regional Boards;

''(4) certify the eligibility of Regional Boards to receive regional investment strategy grants and regional innovation grants;

''(5) provide grants for Regional Boards to develop and implement regional investment strategies;

''(6) provide technical assistance to Regional Boards on issues, best practices, and emerging trends relating to rural development, in cooperation with the National Rural Investment Board; and

''(7) provide analytic and programmatic support for regional rural competitiveness through the National Institute, including—

''(A) programs to assist Regional Boards in determining the challenges and opportunities that must be addressed to receive the greatest regional competitive advantage;

''(B) support for best practices development by the regional investment boards;

''(C) programs to support the development of appropriate governance and leadership skills in the region; and

''(D) a review and annual evaluation of the performance of the Regional Boards (including progress in achieving benchmarks established in a regional investment strategy) in an annual report submitted to—

''(i) the Committee on Agriculture of the House of Representatives; and

''(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

''(c) NATIONAL RURAL INVESTMENT BOARD.—The Secretary shall establish within the Department of Agriculture a board to be known as the 'National Rural Investment Board'.

''(d) DUTIES OF NATIONAL BOARD.—The National Board shall—

''(1) not later than 180 days after the date of establishment of the National Board, develop rules relating to the operation of the National Board;

''(2) provide advice to the Secretary and subsequently review the design, development, and execution of the National Rural Investment Plan;

''(3) provide advice to Regional Boards on issues, best practices, and emerging trends relating to rural development; and

''(4) provide advice to the Secretary and the National Institute on the development and execution of the program under this subtitle.

''(e) MEMBERSHIP.—

''(1) IN GENERAL.—The National Board shall consist of 14 members appointed by the Secretary not later than 180 days after the date of enactment of the Food and Energy Security Act of 2007.

''(2) SUPERVISION.—The National Board shall be subject to the general supervision and direction of the Secretary.

''(3) SECTORS REPRESENTED.—The National Board shall consist of representatives from each of—

''(A) nationally recognized entrepreneurship organizations;

''(B) regional strategy and development organizations;

''(C) community-based organizations;

''(D) elected members of county and municipal governments;

''(E) elected members of State legislatures;

''(F) primary, secondary, and higher education, job skills training, and workforce development institutions;

''(G) the rural philanthropic community;

''(H) financial, lending, venture capital, entrepreneurship, and other related institutions;

''(I) private sector business organizations, including chambers of commerce and other for-profit business interests;

''(J) Indian tribes; and

''(K) cooperative organizations.

''(4) SELECTION OF MEMBERS.—

''(A) IN GENERAL.—In selecting members of the National Board, the Secretary shall consider recommendations made by—

''(i) the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(ii) the Majority Leader and Minority Leader of the Senate; and

''(iii) the Speaker and Minority Leader of the House of Representatives.

''(B) EX-OFFICIO MEMBERS.—In consultation with the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary may appoint not more than 3 other officers or employees of the Executive Branch to serve as ex-officio, non-voting members of the National Board.

''(5) TERM OF OFFICE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term of office of a member of the National Board appointed under paragraph (1)(A) shall be for a period of not more than 4 years.

''(B) STAGGERED TERMS.—The members of the National Board shall be appointed to serve staggered terms.

''(6) INITIAL APPOINTMENTS.—Not later than 120 days after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall appoint the initial members of the National Board.

''(7) VACANCIES.—A vacancy on the National Board shall be filled in the same manner as the original appointment.

''(8) COMPENSATION.—A member of the National Board shall receive no compensation for service on the National Board, but shall be reimbursed for related travel and other expenses incurred in carrying out the duties of the member of the National Board in accordance with section 5702 and 5703 of title 5, United States Code.

''(9) CHAIRPERSON.—The National Board shall select a chairperson from among the members of the National Board.

''(10) FEDERAL STATUS.—For purposes of Federal law, a member of the National Board shall be considered a special Government employee (as defined in section 202(a) of title 18, United States Code).

''(f) ADMINISTRATIVE SUPPORT.—The Secretary, on a reimbursable basis from funds made available under section 385H(b)(3), may provide such administrative support to the National Board as the Secretary determines is necessary to carry out the duties of the National Board.

''SEC. 385D. REGIONAL RURAL INVESTMENT BOARDS.

''(a) IN GENERAL.—A Regional Rural Investment Board shall be a multijurisdictional and multisectoral group that—

''(1) represents the long-term economic, community, and cultural interests of a region;

''(2) is certified by the Secretary to establish a rural investment strategy and compete for regional innovation grants;

''(3) is composed of residents of a region that are broadly representative of diverse public, nonprofit, and private sector interests in investment in the region, including (to the maximum extent practicable) representatives of—

''(A) units of local government (including multijurisdictional units of local government);

''(B) nonprofit community-based development organizations, including community development financial institutions and community development corporations;

''(C) agricultural, natural resource, and other asset-based related industries;

''(D) in the case of regions with federally recognized Indian tribes, Indian tribes;

''(E) regional development organizations;

''(F) private business organizations, including chambers of commerce;

''(G)(i) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(ii) tribally controlled colleges or universities (as defined in section 2(a) of Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a))); and

''(iii) tribal technical institutions;

''(H) workforce and job training organizations;

''(I) other entities and organizations, as determined by the Regional Board;

''(J) cooperatives; and

''(K) consortia of entities and organizations described in subparagraphs (A) through (J);

''(4) represents a region inhabited by—

''(A) more than 25,000 individuals, as determined in the latest available decennial census conducted under section 141(a) of title 13, United States Code; or

''(B) in the case of a region with a population density of less than 2 individuals per square mile, at least 10,000 individuals, as determined in that latest available decennial census;

''(5) has a membership of which not less than 25 percent, nor more than 40 percent, represents—

''(A) units of local government and Indian tribes described in subparagraphs (A) and (D) of paragraph (3);

''(B) nonprofit community and economic development organizations and institutions of higher education described in subparagraphs (B) and (G) of paragraph (3); or

''(C) private business (including chambers of commerce and cooperatives) and agricultural, natural resource, and other asset-based related industries described in subparagraphs (C) and (F) of paragraph (3);

''(6) has a membership that may include an officer or employee of a Federal or State agency, serving as an ex-officio, nonvoting member of the Regional Board to represent the agency; and

''(7) has organizational documents that demonstrate that the Regional Board shall—

''(A) create a collaborative, inclusive public-private strategy process;

''(B) develop, and submit to the Secretary for approval, a regional investment strategy that meets the requirements of section 385E, with benchmarks—

''(i) to promote investment in rural areas through the use of grants made available under this subtitle; and

''(ii) to provide financial and technical assistance to promote a broad-based regional development program aimed at increasing and diversifying economic growth, improved community facilities, and improved quality of life;

''(C) implement the approved regional investment strategy;

''(D) provide annual reports to the Secretary and the National Board on progress made in achieving the benchmarks of the regional investment strategy, including an annual financial statement; and

''(E) select a non-Federal organization (such as a regional development organization) in the local area served by the Regional Board that has previous experience in the management of Federal funds to serve as fiscal manager of any funds of the Regional Board.

''(b) URBAN AREAS.—A resident of an urban area may serve as an ex-officio member of a Regional Board.

''(c) DUTIES.—A Regional Board shall—

''(1) create a collaborative and inclusive planning process for public-private investment within a region;

''(2) develop, and submit to the Secretary for approval, a regional investment strategy;

''(3) develop approaches that will create permanent resources for philanthropic giving in the region, to the maximum extent practicable;

''(4) implement an approved strategy; and

''(5) provide annual reports to the Secretary and the National Board on progress made in achieving the strategy, including an annual financial statement.

''SEC. 385E. REGIONAL INVESTMENT STRATEGY GRANTS.

''(a) IN GENERAL.—The Secretary shall make regional investment strategy grants available to Regional Boards for use in developing, implementing, and maintaining regional investment strategies.

''(b) REGIONAL INVESTMENT STRATEGY.—A regional investment strategy shall provide—

''(1) an assessment of the competitive advantage of a region, including—

''(A) an analysis of the economic conditions of the region;

''(B) an assessment of the current economic performance of the region;

''(C) a background overview of the population, geography, workforce, transportation system, resources, environment, and infrastructure needs of the region; and

''(D) such other pertinent information as the Secretary may request;

''(2) an analysis of regional economic and community development challenges and opportunities, including—

''(A) incorporation of relevant material from other government-sponsored or supported plans and consistency with applicable State, regional, and local workforce investment strategies or comprehensive economic development plans; and

''(B) an identification of past, present, and projected Federal and State economic and community development investments in the region;

''(3) a section describing goals and objectives necessary to solve regional competitiveness challenges and meet the potential of the region;

''(4) an overview of resources available in the region for use in—

''(A) establishing regional goals and objectives;

''(B) developing and implementing a regional action strategy;

''(C) identifying investment priorities and funding sources; and

''(D) identifying lead organizations to execute portions of the strategy;

''(5) an analysis of the current state of collaborative public, private, and nonprofit participation and investment, and of the strategic roles of public, private, and nonprofit entities in the development and implementation of the regional investment strategy;

''(6) a section identifying and prioritizing vital projects, programs, and activities for consideration by the Secretary, including—

''(A) other potential funding sources; and

''(B) recommendations for leveraging past and potential investments;

''(7) a plan of action to implement the goals and objectives of the regional investment strategy;

''(8) a list of performance measures to be used to evaluate the implementation of the regional investment strategy, including—

''(A) the number and quality of jobs, including self-employment, created during implementation of the regional rural investment strategy;

''(B) the number and types of investments made in the region;

''(C) the growth in public, private, and nonprofit investment in the human, community, and economic assets of the region;

''(D) changes in per capita income and the rate of unemployment; and

''(E) other changes in the economic environment of the region;

''(9) a section outlining the methodology for use in integrating the regional investment strategy with the economic priorities of the State; and

''(10) such other information as the Secretary determines to be appropriate.

''(c) MAXIMUM AMOUNT OF GRANT.—A regional investment strategy grant shall not exceed $150,000.

''(d) COST SHARING.—

''(1) IN GENERAL.—Subject to paragraph (2), of the share of the costs of developing, maintaining, evaluating, implementing, and reporting with respect to a regional investment strategy funded by a grant under this section—

''(A) not more than 40 percent may be paid using funds from the grant; and

''(B) the remaining share shall be provided by the applicable Regional Board or other eligible grantee.

''(2) FORM.—A Regional Board or other eligible grantee shall pay the share described in paragraph (1)(B) in the form of cash, services, materials, or other in-kind contributions, on the condition that not more than 50 percent of that share is provided in the form of services, materials, and other in-kind contributions.

''SEC. 385F. REGIONAL INNOVATION GRANTS PROGRAM.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall provide, on a competitive basis, regional innovation grants to Regional Boards for use in implementing projects and initiatives that are identified in a regional rural investment strategy approved under section 385E.

''(2) TIMING.—After October 1, 2008, the Secretary shall provide awards under this section on a quarterly funding cycle.

''(b) ELIGIBILITY.—For a Regional Board to receive a regional innovation grant, the Secretary shall determine that—

''(1) the regional rural investment strategy of a Regional Board has been reviewed by the National Board prior to approval by the Secretary;

''(2) the management and organizational structure of the Regional Board is sufficient to oversee grant projects, including management of Federal funds; and

''(3) the Regional Board has a plan to achieve, to the maximum extent practicable, the performance-based benchmarks of the project in the regional rural investment strategy of the Regional Board.

''(c) LIMITATIONS.—

''(1) AMOUNT RECEIVED.—A Regional Board may not receive more than $6,000,000 in regional innovation grants under this section during any 5-year period.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount of a regional innovation grant based on—

''(A) the needs of the region being addressed by the applicable regional rural investment strategy consistent with the purposes described in subsection (f)(2); and

''(B) the size of the geographical area of the region.

''(3) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that not more than 10 percent of funding made available under this section is provided to Regional Boards in any State.

''(d) COST-SHARING.—

''(1) LIMITATION.—Subject to paragraph (2), the amount of a grant made under this section shall not exceed 50 percent of the cost of the project.

''(2) WAIVER OF GRANTEE SHARE.—The Secretary may waive the limitation in paragraph (1) under special circumstances, as determined by the Secretary, including—

''(A) a sudden or severe economic dislocation;

''(B) significant chronic unemployment or poverty;

''(C) a natural disaster; or

''(D) other severe economic, social, or cultural duress.

''(3) OTHER FEDERAL ASSISTANCE.—For the purpose of determining cost-share limitations for any other Federal program, funds provided under this section shall be considered to be non-Federal funds.

''(e) PREFERENCES.—In providing regional innovation grants under this section, the Secretary shall give—

''(1) a high priority to strategies that demonstrate significant leverage of capital and quality job creation; and

''(2) a preference to an application proposing projects and initiatives that would—

''(A) advance the overall regional competitiveness of a region;

''(B) address the priorities of a regional rural investment strategy, including priorities that—

''(i) promote cross-sector collaboration, public-private partnerships, or the provision of collaborative gap financing or seed capital for program implementation;

''(ii) exhibit collaborative innovation and entrepreneurship, particularly within a public-private partnership; and

''(iii) represent a broad coalition of interests described in section 385D(a);

''(C) include a strategy to leverage public non-Federal and private funds and existing assets, including agricultural assets, natural assets, and public infrastructure, with substantial emphasis placed on the existence of real financial commitments to leverage the available funds;

''(D) create quality jobs;

''(E) enhance the role, relevance, and leveraging potential of community and regional foundations in support of regional investment strategies;

''(F) demonstrate a history, or involve organizations with a history, of successful leveraging of capital for economic development and public purposes;

''(G) address gaps in existing basic services, including technology, within a region;

''(H) address economic diversification, including agricultural and non-agriculturally based economies, within a regional framework;

''(I) improve the overall quality of life in the region (including with respect to education, health care, housing, recreation, and arts and culture);

''(J) enhance the potential to expand economic development successes across diverse stakeholder groups within the region;

''(K) include an effective working relationship with 1 or more institutions of higher education, tribally controlled colleges or universities, or tribal technical institutions; or

''(L) help to meet the other regional competitiveness needs identified by a Regional Board.

''(f) USES.—

''(1) LEVERAGE.—A Regional Board shall prioritize projects and initiatives carried out using funds from a regional innovation grant provided under this section, based in part on the degree to which members of the Regional Board are able to leverage additional funds for the implementation of the projects.

''(2) PURPOSES.—A Regional Board may use a regional innovation grant—

''(A) to support the development of critical infrastructure (including technology deployment and services) necessary to facilitate the competitiveness of a region;

''(B) to provide assistance to entities within the region that provide essential public and community services;

''(C) to enhance the value-added production, marketing, and use of agricultural and natural resources within the region, including activities relating to renewable and alternative energy production and usage;

''(D) to assist with entrepreneurship, job training, workforce development, housing, educational, or other quality of life services or needs, relating to the development and maintenance of strong local and regional economies;

''(E) to assist in the development of unique new collaborations that link public, private, and philanthropic resources, including community foundations;

''(F) to provide support for business and entrepreneurial investment, strategy, expansion, and development, including feasibility strategies, technical assistance, peer networks, and business development funds;

''(G) to carry out other broad activities relating to strengthening the economic competitiveness of the region; and

''(H) to provide matching funds to enable community foundations located within the region to build endowments which provide permanent philanthropic resources to implement a regional investment strategy.

''(3) AVAILABILITY OF FUNDS.—The funds made available to a Regional Board or any other eligible grantee through a regional innovation grant shall remain available for the 7-year period beginning on the date on which the award is provided, on the condition that the Regional Board or other grantee continues to be certified by the Secretary as making adequate progress toward achieving established benchmarks.

''(g) COST SHARING.—

''(1) WAIVER OF GRANTEE SHARE.—The Secretary may waive the share of a grantee of the costs of a project funded by a regional innovation grant under this section if the Secretary determines that such a waiver is appropriate, including with respect to special circumstances within tribal regions, in the event an area experiences—

''(A) a sudden or severe economic dislocation;

''(B) significant chronic unemployment or poverty;

''(C) a natural disaster; or

''(D) other severe economic, social, or cultural duress.

''(2) OTHER FEDERAL PROGRAMS.—For the purpose of determining cost-sharing requirements for any other Federal program, funds provided as a regional innovation grant under this section shall be considered to be non-Federal funds.

''(h) NONCOMPLIANCE.—If a Regional Board or other eligible grantee fails to comply with any requirement relating to the use of funds provided under this section, the Secretary may—

''(1) take such actions as are necessary to obtain reimbursement of unused grant funds; and

''(2) reprogram the recaptured funds for purposes relating to implementation of this subtitle.

''(i) PRIORITY TO AREAS WITH AWARDS AND APPROVED STRATEGIES.—

''(1) IN GENERAL.—Subject to paragraph (3), in providing rural development assistance under other programs, the Secretary shall give a high priority to areas that receive innovation grants under this section.

''(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal agencies to promote the development of priorities similar to those described in paragraph (1).

''(3) EXCLUSION OF CERTAIN PROGRAMS.—Paragraph (1) shall not apply to the provision of rural development assistance under any program relating to basic health, safety, or infrastructure, including broadband deployment or minimum environmental needs.

''SEC. 385G. RURAL ENDOWMENT LOANS PROGRAM.

''(a) IN GENERAL.—The Secretary may provide long-term loans to eligible community foundations to assist in the implementation of regional investment strategies.

''(b) ELIGIBLE COMMUNITY FOUNDATIONS.—To be eligible to receive a loan under this section, a community foundation shall—

''(1) be located in an area that is covered by a regional investment strategy;

''(2) match the amount of the loan with an amount that is at least 250 percent of the amount of the loan; and

''(3) use the loan and the matching amount to carry out the regional investment strategy targeted to community and economic development, including through the development of community foundation endowments.

''(c) TERMS.—A loan made under this section shall—

''(1) have a term of not less than 10, nor more than 20, years;

''(2) bear an interest rate of 1 percent per annum; and

''(3) be subject to such other terms and conditions as are determined appropriate by the Secretary.

''SEC. 385H. FUNDING.

''(a) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use $135,000,000 to carry out this subtitle, to remain available until expended.

''(b) USE BY SECRETARY.—Of the amounts made available to the Secretary under subsection (a), the Secretary shall use—

''(1) $15,000,000 to be provided for regional investment strategy grants to Regional Boards under section 385E;

''(2) $110,000,000 to provide innovation grants to Regional Boards under section 385F and for the cost of rural endowment loans under section 385G;

''(3) $5,000,000 for fiscal year 2008 to administer the duties of the National Board, to remain available until expended; and

''(4) $5,000,000 for fiscal year 2008 to administer the National Institute, to remain available until expended.

''(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise made available to carry out this subtitle, there are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subtitle.''.

SEC. 6033. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) DEFINITION OF APPLICATION.—In this section, the term ''application'' does not include an application for a loan or grant that, as of the date of enactment of this Act, is in the preapplication phase of consideration under regulations of the Secretary in effect on the date of enactment of this Act.

(b) USE OF FUNDS.—Subject to subsection (c), the Secretary shall use funds made available under subsection (d) to provide funds for applications that are pending on the date of enactment of this Act for—

(1) water or waste disposal grants or direct loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)); and

(2) emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a).

(c) LIMITATIONS.—

(1) APPROPRIATED AMOUNTS.—Funds made available under this section shall be available to the Secretary to provide funds for applications for loans and grants described in subsection (b) that are pending on the date of enactment of this Act only to the extent that funds for the loans and grants appropriated in the annual appropriations Act for fiscal year 2007 have been exhausted.

(2) PROGRAM REQUIREMENTS.—The Secretary may use funds made available under this section to provide funds for a pending application for a loan or grant described in subsection (b) only if the Secretary processes, reviews, and approves the application in accordance with regulations in effect on the date of enactment of this Act.

(3) PRIORITY.—In providing funding under this section for pending applications for loans or grants described in subsection (b), the Secretary shall provide funding in the following order of priority (until funds made available under this section are exhausted):

(A) Pending applications for water systems.

(B) Pending applications for waste disposal systems.

(4) INDIVIDUAL STATES.—In allocating funds made available under subsection (d), the Secretary shall use not more 5 percent of the funds for pending applications for loans or grants described in subsection (b) that are made in any individual State.

(d) FUNDING.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $135,000,000, to remain available until expended.

Subtitle B—Rural Electrification Act of 1936

SEC. 6101. ENERGY EFFICIENCY PROGRAMS.

Sections 2(a) and 4 of the Rural Electrification Act of 1936 (7 U.S.C. 902(a), 904) are amended by inserting ''efficiency and'' before ''conservation'' each place it appears.

SEC. 6102. LOANS AND GRANTS FOR ELECTRIC GENERATION AND TRANSMISSION.

(a) IN GENERAL.—Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended in the first sentence by striking ''authorized and empowered, from the sums hereinbefore authorized, to'' and inserting ''shall''.

(b) RURAL COMMUNITIES WITH EXTREMELY HIGH ENERGY COSTS.—Section 19(a) of the Rural Electrification Act of 1936 (7 U.S.C. 918a(a)) is amended in the matter preceding paragraph (1) by striking ''may'' and inserting ''shall''.

SEC. 6103. FEES FOR ELECTRIFICATION BASELOAD GENERATION LOAN GUARANTEES.

The Rural Electrification Act of 1936 is amended by inserting after section 4 (7 U.S.C. 904) the following:

''SEC. 5. FEES FOR ELECTRIFICATION BASELOAD GENERATION LOAN GUARANTEES.

''(a) IN GENERAL.—For electrification baseload generation loan guarantees, the Secretary shall, at the request of the borrower, charge an upfront fee to cover the costs of the loan guarantee.

''(b) FEE.—

''(1) IN GENERAL.—The fee described in subsection (a) for a loan guarantee shall be at least equal to the costs of the 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) SEPARATE FEE.—The Secretary may establish a separate fee for each loan.

''(c) ELIGIBILITY.—To be eligible for an electrification baseload generation loan guarantee under this section, a borrower shall—

''(1) provide a rating of the loan, exclusive of the Federal guarantee, by an organization identified by the Securities and Exchange Commission as a nationally recognized statistical rating organization that determines that the loan has at least a AA rating, or equivalent rating, as determined by the Secretary; or

''(2) obtain insurance or a guarantee for the full and timely repayment of principal and interest on the loan from an entity that has at least an AA or equivalent rating by a nationally recognized statistical rating organization.

''(d) LIMITATION.—Funds received from a borrower to pay for the fees described in this section shall not be derived from a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

SEC. 6104. DEFERMENT OF PAYMENTS TO ALLOWS LOANS FOR IMPROVED ENERGY EFFICIENCY AND DEMAND REDUCTION.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by adding at the end the following:

''(c) DEFERMENT OF PAYMENTS TO ALLOWS LOANS FOR IMPROVED ENERGY EFFICIENCY AND DEMAND REDUCTION.—

''(1) IN GENERAL.—The Secretary shall allow borrowers to defer payment of principal and interest on any direct loan made under this Act to enable the borrower to make loans to residential, commercial, and industrial consumers to install energy efficient measures or devices that reduce the demand on electric systems.

''(2) AMOUNT.—The total amount of a deferment under this subsection shall not exceed the sum of the principal and interest on the loans made to a customer of the borrower, as determined by the Secretary.

''(3) TERM.—The term of a deferment under this subsection shall not exceed 60 months.''.

SEC. 6105. RURAL ELECTRIFICATION ASSISTANCE.

Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended to read as follows:

''SEC. 13. DEFINITIONS.

''In this Act:

''(1) FARM.—The term 'farm' means a farm, as defined by the Bureau of the Census.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) RURAL AREA.—

''(A) IN GENERAL.—Except as provided otherwise in this Act, the term 'rural area' means the farm and nonfarm population of—

''(i) any area described in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)); and

''(ii) any area within a service area of a borrower for which a borrower has an outstanding loan made under titles I through V as of the date of enactment of this paragraph.

''(B) RURAL BROADBAND ACCESS.—For the purpose of loans and loan guarantees made under section 601, the term 'rural area' has the meaning given the term in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)).

''(4) TERRITORY.—The term 'territory' includes any insular possession of the United States.

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

SEC. 6106. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

Section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''for electrification'' and all that follows through the end and inserting ''for eligible electrification or telephone purposes consistent with this Act.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) ANNUAL AMOUNT.—The total amount of guarantees provided by the Secretary under this section during a fiscal year shall not exceed $1,000,000,000, subject to the availability of funds under subsection (e).'';

(2) in subsection (c), by striking paragraphs (2) and (3) and inserting the following:

''(2) AMOUNT.—

''(A) IN GENERAL.—The amount of the annual fee paid for the guarantee of a bond or note under this section shall be equal to 30 basis points of the amount of the unpaid principal of the bond or note guaranteed under this section.

''(B) PROHIBITION.—Except as otherwise provided in this subsection and subsection (e)(2), no other fees shall be assessed.

''(3) PAYMENT.—

''(A) IN GENERAL.—A lender shall pay the fees required under this subsection on a semiannual basis.

''(B) STRUCTURED SCHEDULE.—The Secretary shall, with the consent of the lender, structure the schedule for payment of the fee to ensure that sufficient funds are available to pay the subsidy costs for note or bond guarantees as provided for in subsection (e)(2).''; and

(3) in subsection (f), by striking ''2007'' and inserting ''2012''.

SEC. 6107. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e) is amended to read as follows:

''SEC. 315. EXPANSION OF 911 ACCESS.

''(a) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this title to entities eligible to borrow from the Rural Utilities Service, emergency communications equipment providers, State or local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or other public entities for facilities and equipment to expand or improve—

''(1) 911 access;

''(2) integrated interoperable emergency communications, including multiuse networks that—

''(A) serve rural areas; and

''(B) provide commercial services or transportation information services in addition to emergency communications services;

''(3) homeland security communications;

''(4) transportation safety communications; or

''(5) location technologies used outside an urbanized area.

''(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

''(c) REGULATIONS.—The Secretary shall—

''(1) not later than 90 days after the date of enactment of this subsection, promulgate proposed regulations to carry out this section; and

''(2) not later than 90 days after the publication of proposed rules to carry out this section, adopt final rules.

''(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use to make loans under this section any funds otherwise made available for telephone or broadband loans for each of fiscal years 2007 through 2012.''.

SEC. 6108. ELECTRIC LOANS TO RURAL ELECTRIC COOPERATIVES.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 316 (7 U.S.C. 940f) the following:

''SEC. 317. ELECTRIC LOANS TO RURAL ELECTRIC COOPERATIVES.

''(a) DEFINITION OF RENEWABLE ENERGY SOURCE.—In this section, the term 'renewable energy source' has the meaning given the term 'qualified energy resources' in section 45(c)(1) of the Internal Revenue Code of 1986.

''(b) LOANS.—In addition to any other funds or authorities otherwise made available under this Act, the Secretary may make electric loans under this title for—

''(1) electric generation from renewable energy resources for resale to rural and nonrural residents; and

''(2) transmission lines principally for the purpose of wheeling power from 1 or more renewable energy sources.

''(c) RATE.—The rate of a loan under this section shall be equal to the average tax-exempt municipal bond rate of similar maturities.''.

SEC. 6109. AGENCY PROCEDURES.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 317 (as added by section 6108) the following:

''SEC. 318. AGENCY PROCEDURES.

''(a) CUSTOMER SERVICE.—The Secretary shall ensure that loan applicants under this Act are contacted at least once each month by the Rural Utilities Service regarding the status of any pending loan applications.

''(b) FINANCIAL NEED.—The Secretary shall ensure that—

''(1) an applicant for any grant program administered by the Rural Utilities Service has an opportunity to present special economic circumstances in support of the grant, such as the high cost of living, out migration, low levels of employment, weather damage, or environmental loss; and

''(2) the special economic circumstances presented by the applicant are considered in determining the financial need of the applicant.

''(c) MOBILE DIGITAL WIRELESS.—To facilitate the transition from analog wireless service to digital mobile wireless service, the Secretary may adjust population limitations under this Act related to digital mobile wireless service up to the level permitted under section 601.

''(d) BONDING REQUIREMENTS.—The Secretary shall review the bonding requirements for all programs administered by the Rural Utilities Service under this Act to ensure that bonds are not required if—

''(1) the interests of the Secretary are adequately protected by product warranties; or

''(2) the costs or conditions associated with a bond exceed the benefit of the bond to the Secretary.''.

SEC. 6110. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended to read as follows:

''SEC. 601. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

''(a) PURPOSE.—The purpose of this section is to provide loans and loan guarantees to provide funds for the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in rural areas.

''(b) DEFINITION OF BROADBAND SERVICE.—In this section:

''(1) IN GENERAL.—The term 'broadband service' means any technology identified by the Secretary as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video.

''(2) MOBILE BROADBAND.—The term 'broadband service' includes any service described in paragraph (1) that is provided over a licensed spectrum through the use of a mobile station or receiver communicating with a land station or other mobile stations communicating among themselves.

''(c) LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall make or guarantee loans to eligible entities described in subsection (d) to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

''(2) PRIORITY.—In making or guaranteeing loans under paragraph (1), the Secretary shall give the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the service, had no terrestrial broadband service provider.

''(3) OFFER OF SERVICE.—For purposes of this section, a provider shall be considered to offer broadband service in a rural area if the provider makes the broadband service available to households in the rural area at not more than average prices as compared to the prices at which similar services are made available in the nearest urban area, as determined by the Secretary.

''(d) ELIGIBLE ENTITIES.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—To be eligible to obtain a loan or loan guarantee under this section, an entity shall—

''(i) have the ability to furnish, improve, or extend a broadband service to a rural area;

''(ii) submit to the Secretary a proposal that meets the requirements of this section for a project to offer to provide service to at least 25 percent of households in a specified rural area that, as of the date on which the proposal is submitted, are not offered broadband service by a terrestrial broadband service provider; and

''(iii) agree to complete buildout of the broadband service described in the proposal not later than 3 years after the date on which a loan or loan guarantee under this section is received.

''(B) PROHIBITION.—In carrying out this section, the Secretary may not make a loan or loan guarantee for a project in any specific area in which broadband service is offered by 3 or more terrestrial service providers that offer services that are comparable to the services proposed by the applicant.

''(C) EQUITY AND MARKET SURVEY REQUIREMENTS.—

''(i) IN GENERAL.—The Secretary may require an entity to provide a cost share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee requested in the application of the entity.

''(ii) CREDIT.—Recurring revenues of an entity, including broadband service client revenues, may be credited toward the cost share required under clause (i).

''(iii) MARKET SURVEY.—

''(I) IN GENERAL.—The Secretary may require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

''(II) LESS THAN 20 PERCENT.—The Secretary may not require an entity that proposes to have a subscriber projection of less than 20 percent of the broadband service market in a

rural area to submit to the Secretary a market survey.

''(2) STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBES.—Subject to paragraph (1), a State or local government (including any agency, subdivision, or instrumentality thereof (including consortia thereof)) and an Indian tribe shall be eligible for a loan or loan guarantee under this section to provide broadband services to a rural area.

''(3) ADEQUACY OF SECURITY.—The Secretary shall ensure that the type, amount, and method of security used to secure any loan or loan guarantee provided under this section is commensurate to the risk involved with the loan or loan guarantee, particularly if the loan or loan guarantee is issued to a financially-healthy, strong, and stable entity.

''(4) LIMITATION.—No entity (including subsidiaries of an entity) may acquire more than 20 percent of the resources of the program under this section in any fiscal year, as determined by the Secretary.

''(5) NOTICE REQUIREMENT.—The Secretary shall include a notice of applications under this section on the website of the Secretary for a period of not less than 90 days.

''(6) PROPOSAL INFORMATION.—

''(A) PUBLIC ACCESS.—The Secretary shall make available on the website of the Secretary during the consideration of a loan by the Secretary—

''(i) the name of the applicant;

''(ii) a description and geographical representation of the proposed area of broadband service;

''(iii) a geographical representation and numerical estimate of the households that have no terrestrial broadband service offered in the proposed service area of the project; and

''(iv) such other relevant information that the Secretary determines to be appropriate.

''(B) PROPRIETARY INFORMATION.—In making information available relating to a loan proposal as described in subparagraph (A), the Secretary shall not make available information that is proprietary (within the meaning of section 552(b)(4) of title 5, United States Code) to the business interests of the loan applicant.

''(7) TIMELINE.—The Secretary shall establish a timeline on the website for the Secretary for tracking applications received under this section.

''(8) ADDITIONAL INFORMATION AND DETERMINATION.—

''(A) PROMPT PROCESSING OF APPLICATIONS.—

''(i) IN GENERAL.—The Secretary shall establish, by regulation, procedures to ensure prompt processing of loan and loan guarantee applications under this section.

''(ii) TIME LIMITS.—Subject to clause (iii), the regulations shall establish general time limits for action by the Secretary and applicant response.

''(iii) EXTENSIONS.—The Secretary may grant an extension for a time limit established under clause (ii).

''(iv) ANNUAL REPORTS.—The Secretary shall publish an annual report that—

''(I) describes processing times for loan and loan guarantee applications under this section; and

''(II) provides an explanation for any processing time extensions required by the Secretary.

''(B) ADDITIONAL INFORMATION.—Not later than 60 days after the date on which an applicant submits an application, the Secretary shall request any additional information required for the application to be complete.

''(C) DETERMINATION.—Not later than 180 days after the date on which an applicant submits a completed application, the Secretary shall make a determination of whether to approve the application.

''(9) LOAN CLOSING.—Not later than 45 days after the date on which the Secretary approves an application, documents necessary for the closing of the loan or loan guarantee shall be provided to applicant.

''(10) FUND DISBURSEMENT.—Not later than 10 business days after the date of the receipt of valid documentation requesting disbursement of the approved, closed loan, the disbursement of loan funds shall occur.

''(11) PREAPPLICATION PROCESS.—The Secretary shall establish an optional preapplication process under which an applicant may apply to the Rural Utilities Service for a binding determination of area eligibility prior to preparing a full loan application.

''(12) PENDING APPLICATIONS.—An application for a loan or loan guarantee under this section, or a petition for reconsideration of a decision on such an application, that is pending on the date of enactment of this paragraph shall be considered under eligibility and feasibility criteria that are no less favorable to the applicant than the criteria in effect on the original date of submission of the application.

''(e) BROADBAND SERVICE.—

''(1) IN GENERAL.—The Secretary shall, from time to time as advances in technology warrant, review and recommend modifications of rate-of-data transmission criteria for purposes of the identification of broadband service technologies under subsection (b).

''(2) PROHIBITION.—The Secretary shall not establish requirements for bandwidth or speed that have the effect of precluding the use of evolving technologies appropriate for rural areas outside rural communities.

''(f) TECHNOLOGICAL NEUTRALITY.—For purposes of determining whether to make a loan or loan guarantee for a project under this section, the Secretary shall use criteria that are technologically neutral.

''(g) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a loan or loan guarantee under subsection (c) shall—

''(A) bear interest at an annual rate of, as determined by the Secretary—

''(i) in the case of a direct loan, the lower of—

''(I) the cost of borrowing to the Department of the Treasury for obligations of comparable maturity; or

''(II) 4 percent; and

''(ii) in the case of a guaranteed loan, the current applicable market rate for a loan of comparable maturity; and

''(B) except as provided in paragraph (2), have a term not to exceed the useful life of the assets constructed, improved, or acquired with the proceeds of the loan or extension of credit.

''(2) TERM OF LOAN EXCEPTION.—A loan or loan guarantee under subsection (c) may have a term not to exceed 30 years if the Secretary determines that the loan security is sufficient.

''(3) RECURRING REVENUE.—The Secretary shall consider the recurring revenues of the entity at the time of application in determining an adequate level of credit support.

''(h) USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE.—Notwithstanding any other provision of this Act, the proceeds of any loan made or guaranteed by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications-related loan made under this Act if the use of the proceeds for that purpose will further the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

''(i) REPORTS.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, and biennially thereafter, the Administrator shall submit to Congress a report that—

''(1) describes the ways in which the Administrator determines under subsection (b)(1) that a service enables a subscriber to originate and receive high-quality voice, data, graphics, and video; and

''(2) provides a detailed list of services that have been granted assistance under this section.

''(j) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2012.

''(2) ALLOCATION OF FUNDS.—

''(A) IN GENERAL.—From amounts made available for each fiscal year under this subsection, the Secretary shall—

''(i) establish a national reserve for loans and loan guarantees to eligible entities in States under this section; and

''(ii) allocate amounts in the reserve to each State for each fiscal year for loans and loan guarantees to eligible entities in the State.

''(B) AMOUNT.—Based on information available from the most recent decennial census, the amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as—

''(i) the number of communities with a population of 2,500 inhabitants or less in the State; bears to

''(ii) the number of communities with a population of 2,500 inhabitants or less in all States.

''(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (B) that are not obligated by April 1 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

''(k) TERMINATION OF AUTHORITY.—No loan or loan guarantee may be made under this section after September 30, 2012.''.

(b) NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.—Title VI of Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

''SEC. 602. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

''(a) ESTABLISHMENT OF CENTER.—The Secretary shall designate a National Center for Rural Telecommunications Assessment (referred to in this section as the 'Center').

''(b) CRITERIA.—In designating the Center, the Secretary shall ensure that—

''(1) the Center is an entity with a focus on rural policy research and a minimum of 5 years experience in rural telecommunications research and assessment;

''(2) the Center is capable of assessing broadband services in rural areas; and

''(3) the Center has significant experience with other rural economic development centers and organizations in the assessment of rural policies and formulation of policy solutions at the local, State, and Federal levels.

''(c) DUTIES.—The Center shall—

''(1) assess the effectiveness of programs under this section in increasing broadband availability and use in rural areas, especially in those rural communities identified by the Secretary as having no service before award of a broadband loan or loan guarantee under section 601(c);

''(2) develop assessments of broadband availability in rural areas, working with existing rural development centers selected by the Center;

''(3) identify policies and initiatives at the local, State, and Federal level that have increased broadband availability and use in rural areas;

''(4) conduct national studies of rural households and businesses focusing on the adoption of, barriers to, and use of broadband services, with specific attention addressing the economic, social and educational consequences of inaccessibility to affordable broadband services;

''(5) provide reports to the public on the activities carried out and funded under this section; and

''(6) conduct studies and provide recommendations to local, State, and Federal policymakers on effective strategies to bring affordable broadband services to rural citizens residing outside of the municipal boundaries of rural cities and towns.

''(d) REPORTING REQUIREMENTS.—Not later than December 1, 2008, and each year thereafter through December 1, 2012, the Center shall submit to the Secretary a report that—

''(1) describes the activities of the Center, the results of research carried out by the Center, and any additional information for the preceding fiscal year that the Secretary may request; and

''(2) includes—

''(A) assessments of the programs carried out under this section and section 601;

''(B) annual assessments on the effects of the policy initiatives identified under subsection (c)(3); and

''(C) results from the national studies of rural households and businesses conducted under subsection (c)(4).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.''.

(c) REGULATIONS.—The Secretary may promulgate such regulations as are necessary to implement the amendments made by this section.

SEC. 6111. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

The Rural Electrification Act of 1936 is amended by inserting after section 306E (7 U.S.C. 936e) the following:

''SEC. 306F. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

''(a) DEFINITIONS.—In this section:

''(1) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term 'substantially underserved trust area' means a community in 'trust land' (as defined in section 3765 of title 38, United States Code) in which more than 20 percent of the residents do not have modern, affordable, or reliable utility services, as determined by the Secretary.

''(2) UTILITY SERVICE.—The term 'utility service' means electric, telecommunications, broadband, or water service.

''(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability and quality of utility services in communities in substantially underserved trust areas.

''(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

''(1) may make available from loan or loan guarantee programs administered by the Rural Utilities Service to qualified utilities or applicants financing with an interest rate as low as 2 percent, and extended repayment terms, for use in facilitating improved utility service in substantially underserved trust areas;

''(2) may waive nonduplication restrictions, matching fund requirements, credit support requirements, or other regulations from any loan or grant program administered by the Rural Utilities Service to facilitate the construction, acquisition, or improvement of infrastructure used to deliver affordable utility services to substantially underserved trust areas;

''(3) may assign the highest funding priority to projects in substantially underserved trust areas;

''(4) shall make any loan or loan guarantee found to be financially feasible to provide service to substantially underserved trust areas; and

''(5) may conduct research and participate in regulatory proceedings to recommend policy changes to enhance utility service in substantially underserved trust areas.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes—

''(1) the progress of the initiative implemented under subsection (b); and

''(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.''.

SEC. 6112. STUDY OF FEDERAL ASSISTANCE FOR BROADBAND INFRASTRUCTURE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of—

(1) how the Rural Utilities Service takes into account economic factors in the decisionmaking process of the Service in allocating Federal broadband benefits;

(2) what other considerations the Rural Utilities Service takes into account in making benefit awards;

(3) what economic forces prompt Rural Utilities Service broadband loan applicants to seek Federal funding rather than relying on the private market alone;

(4) how awards made by the Rural Utilities Service of Federal benefits impact the expansion of broadband infrastructure by the private sector; and

(5) what changes to Federal policy are needed to further encourage technology expansion by private broadband service providers.

(b) REPORT.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (a), including any findings and recommendations.

Subtitle C—Connect the Nation Act

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Connect the Nation Act''.

SEC. 6202. GRANTS TO ENCOURAGE STATE INITIATIVES TO IMPROVE BROADBAND SERVICE.

(a) DEFINITIONS.—In this section:

(1) BROADBAND SERVICE.—The term ''broadband service'' means any service that connects the public to the Internet with a data transmission-rate equivalent that is at least 200 kilobits per second or 200,000 bits per second, or any successor transmission-rate established by the Federal Communications Commission for broadband, in at least 1 direction.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit organization that, in conjunction with State agencies and private sector partners, carries out an initiative under the section to identify and track the availability and adoption of broadband services within States.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code;

(B) has net earnings that do not inure to the benefit of any member, founder, contributor, or individual associated with the organization;

(C) has an established record of competence and working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and

(D) has a board of directors that does not have a majority of individuals who are employed by, or otherwise associated with, any Federal, State, or local government or agency.

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

(b) PROGRAM.—The Secretary shall award grants to eligible entities to pay the Federal share of the cost of the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within States.

(c) PURPOSES.—The purpose of a grant made this section shall be—

(1) to ensure, to the maximum extent practicable, that all citizens and businesses in States have access to affordable and reliable broadband service;

(2) to promote improved technology literacy, increased computer ownership, and home broadband use among those citizens and businesses;

(3) to establish and empower local grassroots technology teams in States to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment that supports broadband services and information technology investment.

(d) ELIGIBILITY.—To be eligible to receive a grant for an initiative under this section, an eligible entity shall—

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

(2) provide matching non-Federal funds in an amount that is equal to not less than 20 percent of the total cost of the initiative.

(e) COMPETITIVE BASIS.—Grants under this section shall be awarded on a competitive basis.

(f) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall require technical and scientific peer review of applications for grants under this section.

(2) REVIEW PROCEDURES.—The Secretary shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by the group to the Secretary; and

(C) certify that the group will enter into such voluntary nondisclosure agreements as are necessary to prevent the unauthorized disclosure of confidential and propriety information provided by broadband service providers in connection with projects funded by a grant under this section.

(g) USE OF FUNDS.—A grant awarded to an eligible entity under this section shall be used—

(1) to provide a baseline assessment of broadband service deployment in 1 or more participating States;

(2) to identify and track—

(A) areas in the participating States that have low levels of broadband service deployment;

(B) the rate at which individuals and businesses adopt broadband service and other related information technology services; and

(C) possible suppliers of the services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether—

(A) the demand for the services is absent; and

(B) the supply for the services is capable of meeting the demand for the services;

(4) to create and facilitate in each county or designated region in the participating States a local technology planning team—

(A) with members representing a cross section of communities, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) that shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving the goals of the team, with specific recommendations for online application development and demand creation;

(5) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved, underserved, and rural areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(6) to establish programs to improve computer ownership and Internet access for unserved, underserved, and rural populations;

(7) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(8) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(9) to create within the participating States a geographic inventory map of broadband service that shall—

(A) identify gaps in the service through a method of geographic information system mapping of service availability at the census block level; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(h) PARTICIPATION LIMITATION.—For each participating State, an eligible entity may not receive a new grant under this section to carry out the activities described in subsection (g) within the participating State if the eligible entity obtained prior grant awards under this section to carry out the same activities in the participating State for each of the previous 4 fiscal years.

(i) REPORT.—Each recipient of a grant under this section shall submit to the Secretary a report describing the use of the funds provided by the grant.

(j) NO REGULATORY AUTHORITY.—Nothing in this section provides any public or private entity with any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

Subtitle D—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 6301. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

Section 1670(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6302. TELEMEDICINE, LIBRARY CONNECTIVITY, PUBLIC TELEVISION, AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Chapter 1 of subtitle D of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) is amended in the chapter heading by striking ''**AND DISTANCE LEARNING**'' and inserting ''**, LIBRARY CONNECTIVITY, PUBLIC TELEVISION, AND DISTANCE LEARNING**''.

(b) PURPOSE.—Section 2331 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa) is amended by striking ''telemedicine services and distance learning'' and inserting ''telemedicine services, library connectivity, and distance learning''.

(c) DEFINITIONS.—Section 2332 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-1) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) CONNECTIVITY.—The term 'connectivity' means the ability to use a range of high-speed digital services or networks.''.

(d) TELEMEDICINE, LIBRARY CONNECTIVITY, AND DISTANCE LEARNING SERVICES IN RURAL AREAS.—Section 2333 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-2) is amended—

(1) in the section heading, by striking ''**AND DISTANCE LEARNING**'' and inserting ''**, LIBRARY CONNECTIVITY, PUBLIC TELEVISION, AND DISTANCE LEARNING**'';

(2) in subsection (a), by striking ''construction of facilities and systems to provide telemedicine services and distance learning services'' and inserting ''construction and use of facilities and systems to provide telemedicine services, library connectivity, distance learning services, and public television station digital conversion'';

(3) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) FORM.—The Secretary shall establish by notice the amount of the financial assistance available to applicants in the form of grants, costs of money loans, combinations of grants and loans, or other financial assistance so as to—

''(A)(i) further the purposes of this chapter; and

''(ii) in the case of loans, result in the maximum feasible repayment to the Federal Government of the loan; and

''(B) to ensure that funds made available to carry out this chapter are used to the maximum extent practicable to assist useful and needed projects.'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''financial assistance'' and inserting ''assistance in the form of grants'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B)—

(I) by striking ''service or distance'' and inserting ''services, library connectivity services, public television station digital conversion, or distance'';

(II) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

''(C) libraries or library support organizations;

''(D) public television stations and the parent organizations of public television stations; and

''(E) schools, libraries, and other facilities operated by the Bureau of Indian Affairs or the Indian Health Service.'';

(B) in paragraph (4), by striking ''services or distance'' and inserting ''service, library connectivity, public television station digital conversion, or distance''; and

(C) by adding at the end the following:

''(5) PUBLIC TELEVISION GRANTS.—The Secretary shall establish a separate competitive process to determine the allocation of grants under this chapter to public television stations.'';

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''1 or more of'' after ''considering'';

(B) in paragraph (12), by striking ''and'' at the end;

(C) by redesignating paragraph (13) as paragraph (14); and

(D) by inserting after paragraph (12) the following:

''(13) the cost and availability of high-speed network access; and'';

(6) by striking subsection (f) and inserting the following:

''(f) USE OF FUNDS.—Financial assistance provided under this chapter shall be used for—

''(1) the development, acquisition, and digital distribution of instructional programming to rural users;

''(2) the development and acquisition, through lease or purchase, of computer hardware and software, audio and visual equipment, computer network components, telecommunications terminal equipment, telecommunications transmission facilities, data terminal equipment, or interactive video equipment, teleconferencing equipment, or other facilities that would further telemedicine services, library connectivity, or distance learning services;

''(3) the provision of technical assistance and instruction for the development or use of the programming, equipment, or facilities referred to in paragraphs (1) and (2);

''(4) the acquisition of high-speed network transmission equipment or services that would not otherwise be available or affordable to the applicant;

''(5) costs relating to the coordination and collaboration among and between libraries on connectivity and universal service initiatives, or the development of multi-library connectivity plans that benefit rural users; or

''(6) other uses that are consistent with this chapter, as determined by the Secretary.''; and

(7) in subsection (i)—

(A) in paragraph (1), by striking ''telemedicine or distance'' and inserting ''telemedicine, library connectivity, public television station digital conversion, or distance''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''telemedicine or distance'' and inserting ''telemedicine, library connectivity, or distance''; and

(ii) in subparagraph (B), by inserting ''nonproprietary information contained in'' before ''the applications''.

(e) ADMINISTRATION.—Section 2334 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-3) is amended—

(1) in subsection (a), by striking ''services or distance'' and inserting ''services, library connectivity, or distance''; and

(2) in subsection (d), by striking ''or distance learning'' and all that follows through the end of the subsection and inserting '', library connectivity, or distance learning

services through telecommunications in rural areas.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-5) is amended by striking ''2007'' and inserting ''2012''.

(g) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note; Public Law 102–551) is amended by striking ''2007'' and inserting ''2012''.

Subtitle E—Miscellaneous

SEC. 6401. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

(a) DEFINITIONS.—Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) ASSISTING ORGANIZATION.—The term 'assisting organization' means a nonprofit organization, institution of higher education, or units of government with expertise, as determined by the Secretary, to assist eligible producers and entities described in subsection (b)(1) through—

''(A) the provision of market research, training, or technical assistance; or

''(B) the development of supply networks for value-added products that strengthen the profitability of small and mid-sized family farms.

''(2) TECHNICAL ASSISTANCE.—The term 'technical assistance' means managerial, financial, operational, and scientific analysis and consultation to assist an individual or entity (including a recipient or potential recipient of a grant under this section)—

''(A) to identify and evaluate practices, approaches, problems, opportunities, or solutions; and

''(B) to assist in the planning, implementation, management, operation, marketing, or maintenance of projects authorized under this section.

''(3) VALUE-ADDED AGRICULTURAL PRODUCT.—

''(A) IN GENERAL.—The term 'value-added agricultural product' means any agricultural commodity or product that—

''(i)(I) has undergone a change in physical state;

''(II) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary; or

''(III) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product; and

''(ii) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

''(I) the customer base for the agricultural commodity or product has been expanded; and

''(II) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

''(B) INCLUSION.—The term 'value-added agricultural products' includes—

''(i) farm- or ranch-based renewable energy, including the sale of E-85 fuel; and

''(ii) the aggregation and marketing of locally-produced agricultural food products.''.

(b) GRANT PROGRAM.—Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''exceed $500,000'' and inserting ''exceed—

''(i) $300,000 in the case of grants including working capital; and

''(ii) $100,000 in the case of all other grants.''; and

(B) by adding at the end the following:

''(C) RESEARCH, TRAINING, TECHNICAL ASSISTANCE, AND OUTREACH.—The amount of grant funds provided to an assisting organization for a fiscal year may not exceed 10 percent of the total amount of funds that are used to make grants for the fiscal year under this subsection.'';

(2) in paragraph (3)—

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

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

(C) by adding at the end the following:

''(C) to conduct market research, provide training and technical assistance, develop supply networks, or provide program outreach.''; and

(3) by striking paragraph (4) and inserting the following:

''(4) TERM.—A grant under this section shall have a term that does not exceed 3 years.

''(5) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than $50,000.

''(6) PRIORITY.—

''(A) IN GENERAL.—In awarding grants, the Secretary shall give the priority to projects that—

''(i) contribute to increasing opportunities for beginning farmers or ranchers, socially disadvantaged farmers or ranchers, and operators of small- and medium-sized farms and ranches that are not larger than family farms; and

''(ii) support new ventures that do not have well-established markets or product development staffs and budgets, including the development of local food systems and the development of infrastructure to support local food systems.

''(B) PARTICIPATION.—To the maximum extent practicable, the Secretary shall provide grants to projects that provide training and outreach activities in areas that have, as determined by the Secretary, received relatively fewer grants than other areas.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.''.

SEC. 6402. STUDY OF RAILROAD ISSUES.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall conduct a study of railroad issues regarding the movement of agricultural products, domestically-produced renewable fuels, and domestically-produced resources for the production of electricity in rural areas of the United States and for economic development in rural areas of the United States.

(b) ISSUE.—In conducting the study, the Secretary shall include an examination of—

(1) the importance of freight railroads to—

(A) the delivery of equipment, seed, fertilizer, and other products that are important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market; and

(C) the delivery of ethanol and other renewable fuels;

(2) the sufficiency in rural areas of the United States of—

(A) railroad capacity;

(B) competition in the railroad system; and

(C) the reliability of rail service; and

(3) the accessibility to rail customers in rural areas of the United States to Federal processes for the resolution of rail customer grievances with the railroads.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the results of the study conducted under this section; and

(2) the recommendations of the Secretary for new Federal policies to address any problems identified by the study.

SEC. 6403. INSURANCE OF LOANS FOR HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.

Section 514(f)(3) of the Housing Act of 1949 (42 U.S.C. 1484(f)(3)) is amended by striking ''or the handling of such commodities in the unprocessed stage'' and inserting '', the handling of agricultural or aquacultural commodities in the unprocessed stage, or the processing of agricultural or aquacultural commodities''.

TITLE VII—RESEARCH AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7001. DEFINITIONS.

Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively;

(B) by striking ''(4) The terms'' and inserting the following:

''(4) COLLEGE AND UNIVERSITY.—

''(A) IN GENERAL.—The terms''; and

(C) by adding at the end the following:

''(B) INCLUSIONS.—The terms 'college' and 'university' include a research foundation maintained by a college or university described in subparagraph (A).'';

(2) by redesignating paragraphs (6) through (8), (9) through (14), (15), and (16) as paragraphs (7) through (9), (11) through (16), (19), and (6), respectively, and moving the paragraphs so as to appear in alphabetical order;

(3) by inserting after paragraph (9) (as redesignated by paragraph (2)) the following:

''(10) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term 'Hispanic-serving agricultural colleges and universities' means a college or university that—

''(A) qualifies as a Hispanic-serving institution; and

''(B) offers associate, bachelor's, or other accredited degree programs in agriculture-related fields.''; and

(4) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).''.

SEC. 7002. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7003. VETERINARY MEDICINE LOAN REPAYMENT.

Section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) REGULATIONS.—Not later than 270 days after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall promulgate regulations to carry out this section.''.

SEC. 7004. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by inserting ''(including the University of the District of Columbia)'' after ''land-grant colleges and universities''; and

(2) in subsection (d)(2), by inserting ''(including the University of the District of Columbia)'' after ''universities''.

SEC. 7005. GRANTS TO 1890 INSTITUTIONS TO EXPAND EXTENSION CAPACITY.

Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) is amended by striking ''teaching and research'' and inserting ''teaching, research, and extension''.

SEC. 7006. EXPANSION OF FOOD AND AGRICULTURAL SCIENCES AWARDS.

Section 1417(i) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(i)) is amended—

(1) in the subsection heading, by striking ''TEACHING AWARDS '' and ''TEACHING, EXTENSION, AND RESEARCH AWARDS''; and

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

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

''(B) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.''.

SEC. 7007. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) EDUCATION TEACHING PROGRAMS.—Section 1417(j) of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended—

(1) in the subsection heading, by striking ''AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS'' and inserting '', 2-YEAR POSTSECONDARY EDUCATION, AND AGRICULTURE IN THE K–12 CLASSROOM''; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''and institutions of higher education that award an associate's degree'' and inserting '', institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(G) to support current agriculture in the classroom programs for grades K–12.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1417(l) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(l)) is amended by striking ''2007'' and inserting ''2012''.

(c) REPORT.—Section 1417 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

''(l) REPORT.—The Secretary shall submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate describing the distribution of funds used to implement teaching programs under subsection (j).''.

SEC. 7008. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7009. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (b), by inserting ''(including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the Community Vitality Center)'' after ''research institutions and organizations''; and

(2) in subsection (d), by striking ''2007'' and inserting ''2012''.

SEC. 7010. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7011. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7012. NUTRITION EDUCATION PROGRAM.

(a) DEFINITIONS.—Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by striking the section heading and ''SEC. 1425.'' and inserting the following:

''SEC. 1425. NUTRITION EDUCATION PROGRAM.

''(a) DEFINITIONS.—In this section, the terms '1862 Institution' and '1890 Institution' have the meaning given those terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).'';

(3) in subsection (b) (as redesignated by paragraph (1)), by striking ''The Secretary'' and inserting the following:

''(b) ESTABLISHMENT.—The Secretary''; and

(4) in subsection (c) (as so redesignated), by striking ''In order to enable'' and inserting the following:

''(c) EMPLOYMENT AND TRAINING.—To enable''.

(b) FUNDING TO 1862, 1890, AND INSULAR AREA INSTITUTIONS.—Subsection (d) of section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) (as redesignated by subsection (a)(1)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Beginning'' and inserting the following:

''(d) ALLOCATION OF FUNDING.—Beginning''; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) Notwithstanding section 3(d)(2) of the Act of May 8, 1914 (7 U.S.C. 343(d)(2)), the remainder shall be allocated among the States as follows:

''(i) $100,000 shall be distributed to each 1862 and 1890 land-grant college and university.

''(ii)(I) Subject to subclause (II), of the remainder, 10 percent for fiscal year 2008, 11 percent for fiscal year 2009, 12 percent for fiscal year 2010, 13 percent for fiscal year 2011, 14 percent for fiscal year 2012, and 15 percent for each fiscal year thereafter, shall be distributed among the 1890 Institutions, to be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

''(aa) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State in which the 1890 Institution is located; bears to

''(bb) the total population living at or below 125 percent of the income poverty guidelines in all States that have 1890 Institutions, as determined by the last preceding decennial census at the time each such additional amount is first appropriated.

''(II) The total amount allocated under this clause shall not exceed the amount of the funds appropriated for the conduct of the expanded food and nutrition education program for the fiscal year that are in excess of the amount appropriated for the conduct of the program for fiscal year 2007.

''(iii)(I) Subject to subclauses (II) and (III), the remainder shall be allocated to the 1860 institution in each State (including the appropriate insular area institution and the University of the District of Columbia) in an amount that bears the same ratio to the total amount to be allocated under this subparagraph as—

''(aa) the population of the State living at or below 125 percent of the income poverty guidelines prescribed by the Office of Management and Budget (adjusted pursuant to section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))); bears to

''(bb) the total population of all the States living at or below 125 percent of the income poverty guidelines, as determined by the last preceding decennial census at the time each such additional amount is first appropriated.

''(II) The total amount allocated under this clause to the University of the District of Columbia shall not exceed the amount described in clause (ii)(II), reduced by the amount allocated to the University of the District of Columbia under clause (ii).

''(III) Nothing in this clause precludes the Secretary from developing educational materials and programs for persons in income ranges above the level designated in this clause.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d)(3) of section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) (as redesignated by subsection (a)(1)) is amended—

(1) by striking ''There is'' and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is''; and

(2) by striking ''$83,000,000 for each of fiscal years 1996 through 2007'' and inserting ''$90,000,000 for each of fiscal years 2008 through 2012''.

(d) CONFORMING AMENDMENT.—Section 1588(b) of the Food Security Act of 1985 (7 U.S.C. 3175e(b)) is amended by striking ''section 1425(c)(2)'' and inserting ''section 1425(d)(2)''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 7013. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

SEC. 7014. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7015. ANIMAL HEALTH AND DISEASE RESEARCH PROGRAM.

Section 1434(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended by inserting after ''universities'' the following: ''(including 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)))''.

SEC. 7016. AUTHORIZATION LEVEL FOR EXTENSION AT 1890 LAND-GRANT COLLEGES.

Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking ''15 percent'' and inserting ''20 percent''.

SEC. 7017. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.

Section 1445(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking ''25 percent'' and inserting ''30 percent''.

SEC. 7018. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7019. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND GRANT UNIVERSITY.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1447 (7 U.S.C. 3222b) the following:

''SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND GRANT UNIVERSITY.

''(a) PURPOSE.—It is the intent of Congress to assist the land grant university in the District of Columbia established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2008 through 2012.''.

SEC. 7020. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking ''2007'' each place it appears in subsections (a)(1) and (f) and inserting ''2012''.

SEC. 7021. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d(c)) is amended in the first sentence by striking ''2007'' and inserting ''2012.''.

SEC. 7022. HISPANIC-SERVING INSTITUTIONS.

Section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended—

(1) in subsection (a) by striking ''(or grants without regard to any requirement for competition)'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''of consortia'';

(B) in paragraph (3), by striking '', beginning with the mentoring of students'' and all that follows through ''doctoral degree''; and

(C) in paragraph (4)—

(i) by striking ''2 or more''; and

(ii) by striking '', or between Hispanic-serving'' and all that follows through ''the private sector,''; and

(3) in subsection (c)—

(A) by striking ''$20,000,000'' and inserting ''$40,000,000''; and

(B) by striking ''2007'' and inserting ''2012''.

SEC. 7023. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension and Teaching Policy Act of 1977 is amended by inserting after section 1455 (7 U.S.C. 3241) the following:

''SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

''(a) DEFINITION OF ENDOWMENT FUND.—In this section, the term 'endowment fund' means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

''(b) ENDOWMENT.—

''(1) IN GENERAL.—The Secretary of the Treasury shall establish in accordance with this subsection a Hispanic-Serving Agricultural Colleges and Universities Fund.

''(2) AGREEMENTS.—The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

''(3) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary of the Treasury shall deposit in the endowment fund any—

''(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

''(B) interest earned on the endowment fund corpus.

''(4) INVESTMENTS.—The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

''(5) WITHDRAWALS AND EXPENDITURES.—

''(A) CORPUS.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus.

''(B) WITHDRAWALS.—On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

''(i) 60 percent shall be distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on the Hispanic enrollment count of each institution.

''(ii) 40 percent shall be distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

''(6) ENDOWMENTS.—Amounts made available under this subsection shall be held and considered to be granted to Hispanic-serving agricultural colleges and universities to establish an endowment in accordance with this subsection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

''(c) AUTHORIZATION FOR ANNUAL PAYMENTS.—

''(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the Department of Agriculture to carry out this subsection an amount equal to the product obtained by multiplying—

''(A) $80,000; by

''(B) the number of Hispanic-serving agricultural colleges and universities.

''(2) PAYMENTS.—For fiscal year 2008 and each fiscal year thereafter, the Secretary of the Treasury shall pay to the treasurer of each Hispanic-Serving agricultural college and university an amount equal to—

''(A) the total amount made available by appropriations under subparagraph (A); divided by

''(B) the number of Hispanic-serving agricultural colleges and universities.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.).

''(B) RELATIONSHIP TO OTHER LAW.—Except as otherwise provided in this subsection, the requirements of that Act shall apply to Hispanic-serving agricultural colleges and universities under this section.

''(d) INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

''(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall make grants to assist Hispanic-serving agricultural colleges and universities in institutional capacity building (not including alteration, repair, renovation, or construction of buildings).

''(2) CRITERIA FOR INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

''(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) DEMONSTRATION OF NEED.—

''(i) IN GENERAL.—As part of an application for a grant under this subsection, the Secretary shall require the applicant to demonstrate need for the grant, as determined by the Secretary.

''(ii) OTHER SOURCES OF FUNDING.—The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

''(C) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

''(e) COMPETITIVE GRANTS PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.''.

(b) EXTENSION.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

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

''(4) ANNUAL APPROPRIATION FOR HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this paragraph for fiscal year 2008 and each fiscal year thereafter.

''(B) ADDITIONAL AMOUNT.—Amounts made available under this paragraph shall be in addition to any other amounts made available under this section to States, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

''(C) ADMINISTRATION.—Amounts made available under this paragraph shall be—

''(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 301 et seq.); and

''(ii) administered by State institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities (as defined in section 1456 of the National Agricultural Research, Extension and Teaching Policy Act of 1977) in the State in accordance with regulations promulgated by the Secretary.''; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting ''AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES'' after ''1994 INSTITUTIONS''; and

(B) by striking ''pursuant to subsection (b)(3)'' and inserting ''or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)''.

SEC. 7024. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (B), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(C) giving priority to those institutions with existing memoranda of understanding, agreements, or other formal ties to United States institutions, or Federal or State agencies;'';

(2) in paragraph (3), by inserting ''Hispanic-serving agricultural colleges and universities,'' after ''universities,'';

(3) in paragraph (7)(A), by striking ''and land-grant colleges and universities'' and inserting '', land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities'';

(4) in paragraph (9)—

(A) in subparagraph (A), by striking ''or other colleges and universities'' and inserting '', Hispanic-serving agricultural colleges and universities, or other colleges and universities''; and

(B) in subparagraph (D), by striking ''and'' at the end;

(5) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).''.

SEC. 7025. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7026. INDIRECT COSTS.

Section 1462(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)) is amended by striking ''shall not exceed 19 percent'' and inserting ''shall be the negotiated indirect rate of cost established for an institution by the appropriate Federal audit agency for the institution, not to exceed 30 percent''.

SEC. 7027. RESEARCH EQUIPMENT GRANTS.

Section 1462A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7028. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking ''2007'' each place it appears in subsections (a) and (b) and inserting ''2012''.

SEC. 7029. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7030. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7031. AQUACULTURE RESEARCH FACILITIES.

(a) FISH DISEASE PROGRAM.—Section 1475(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(f)) is amended—

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

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) VIRAL HEMORRHAGIC SEPTICEMIA.—

''(A) IN GENERAL.—The study of viral hemorrhagic septicemia (referred to in this paragraph as 'VHS') and VHS management shall be considered an area of priority research under this subsection.

''(B) CONSULTATION.—

''(i) IN GENERAL.—The Secretary shall consult with appropriate directors of State natural resource management and agriculture agencies in areas that are VHS positive as of the date of enactment of this paragraph to develop and implement a comprehensive set of priorities for managing VHS, including providing funds for research into the spread and control of the disease, surveillance, monitoring, risk evaluation, enforcement, screening, education and outreach, and management.

''(ii) CONSIDERATION.—The Secretary shall provide special consideration to the recommendations of the directors described in clause (i) in the development of the VHS priorities.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7032. RANGELAND RESEARCH.

(a) GRANTS.—Section 1480(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3333(a)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) pilot programs to coordinate and conduct collaborative projects to address natural resources management issues and facilitate the collection of information and analysis to provide Federal and State agencies, private landowners, and the public with information to allow for improved management of public and private rangeland.''.

(b) MATCHING REQUIREMENTS.—Section 1480(b)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3333(b)(2)) is amended by striking ''subsection (a)(2)'' and inserting ''paragraph (2) or (3) of subsection (a)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7033. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7034. RESIDENT INSTRUCTION AND DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking ''2007'' and inserting ''2012''.

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) is amended—

(1) by redesignating subsection (e) as subsection (c); and

(2) in subsection (c) (as so redesignated), by striking ''2007'' and inserting ''2012''.

SEC. 7035. FARM MANAGEMENT TRAINING AND PUBLIC FARM BENCHMARKING DATABASE.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1467 (7 U.S.C. 3313) the following:

''SEC. 1468. FARM MANAGEMENT TRAINING AND PUBLIC FARM BENCHMARKING DATABASE.

''(a) DEFINITIONS.—In this section:

''(1) BENCHMARK, BENCHMARKING.—The term 'benchmark' or 'benchmarking' means the process of comparing the performance of an agricultural enterprise against the performance of other similar enterprises, through the use of comparable and reliable data, in order to identify business management strengths, weaknesses, and steps necessary to improve management performance and business profitability.

''(2) FARM MANAGEMENT ASSOCIATION.—The term 'farm management association' means a public or nonprofit organization or educational program—

''(A) the purpose of which is to assist farmers, ranchers, and other agricultural operators to improve financial management and business profitability by providing training on farm financial planning and analysis, record keeping, and other farm management topics; and

''(B) that is affiliated with a land-grant college or university, other institution of higher education, or nonprofit entity.

''(3) NATIONAL FARM MANAGEMENT CENTER.—The term 'National Farm Management Center' means a land-grant college or university that, as determined by the Secretary—

''(A) has collaborative partnerships with more than 5 farm management associations

that are representative of agricultural diversity in multiple regions of the United States;

''(B) has maintained and continues to maintain farm financial analysis software applicable to the production and management of a wide range of crop and livestock agricultural commodities (including some organic commodities);

''(C) has established procedures that enable producers—

''(i) to benchmark the farms of the producers against peer groups; and

''(ii) to query the benchmarking database by location, farm type, farm size, and commodity at the overall business and individual enterprise levels; and

''(D) has provided and continues to provide public online access to farm and ranch financial benchmarking databases.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a National Farm Management Center to improve the farm management knowledge and skills of individuals directly involved in production agriculture through—

''(A) participation in a farm management education and training program; and

''(B) direct access to a public farm benchmarking database.

''(2) PROPOSALS.—The Secretary shall request proposals from appropriate land-grant colleges and universities for the establishment of a National Farm Management Center in accordance with this section.

''(3) REQUIREMENTS.—The National Farm Management Center established under paragraph (1) shall—

''(A) coordinate standardized financial analysis methodologies for use by farmers, ranchers, other agricultural operators, and farm management associations;

''(B) provide the software tools necessary for farm management associations, farmers, ranchers, and other agricultural operators to perform the necessary financial analyses, including the benchmarking of individual enterprises; and

''(C) develop and maintain a national farm financial database to facilitate those financial analyses and benchmarking that is available online to farmers, ranchers, other agricultural operators, farm management associations, and the public.

''(c) ADMINISTRATIVE EXPENSES.—Not more than 8 percent of the funds made available to carry out this section may be used for the payment of administrative expenses of the Department of Agriculture in carrying out this section.

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

SEC. 7036. TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) is amended by adding at the end the following:

''SEC. 1473E. TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.

''(a) DEFINITION OF CARIBBEAN AND PACIFIC BASINS.—In this section, the term 'Caribbean and Pacific basins', means—

''(1) the States of Florida and Hawaii;

''(2) the Commonwealth of Puerto Rico;

''(3) the United States Virgin Islands;

''(4) Guam;

''(5) American Samoa;

''(6) the Commonwealth of the Northern Mariana Islands;

''(7) the Federated States of Micronesia;

''(8) the Republic of the Marshall Islands; and

''(9) the Republic of Palau.

''(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'Tropical and Subtropical Agricultural Research Program', to sustain the agriculture and environment of the Caribbean and Pacific basins, by supporting the full range of research relating to food and agricultural sciences in the Caribbean and Pacific basins, with an emphasis on—

''(1) pest management;

''(2) deterring introduction and establishment of invasive species;

''(3) enhancing existing and developing new tropical and subtropical agricultural products; and

''(4) expanding value-added agriculture in tropical and subtropical ecosystems.

''(c) GRANTS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall provide grants to be awarded competitively to support tropical and subtropical agricultural research in the Caribbean and Pacific basins.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, an entity shall be a land-grant college or university, or affiliated with a land-grant college or university, that is located in any region of the Caribbean and Pacific basin.

''(3) REQUIREMENTS.—

''(A) EQUAL AMOUNTS.—The total amount of grants provided under this subsection shall be equally divided between the Caribbean and Pacific basins, as determined by the Secretary.

''(B) RESEARCH INFRASTRUCTURE AND CAPABILITY PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to projects of eligible entities that—

''(i) expand the infrastructure and capability of the region of the eligible entity;

''(ii) scientifically and culturally address regional agricultural and environmental challenges; and

''(iii) sustain agriculture in the region of the eligible entity.

''(C) TERM.—The term of a grant provided under this subsection shall not exceed 5 years.

''(D) PROHIBITIONS.—A grant provided under this subsection shall not be used for the planning, repair, rehabilitation, acquisition, or construction of any building or facility.

''(d) FUNDING.—

''(1) SET-ASIDE.—Not less than 25 percent of the funds made available to carry out this section during a fiscal year shall be used to support programs and services that—

''(A) address the pest management needs of a region in the Caribbean and Pacific basins; or

''(B) minimize the impact to a region in the Caribbean and Pacific basins of invasive species.

''(2) ADMINISTRATIVE COSTS.—The Secretary shall use not more than 4 percent of the funds made available under subsection (e) for administrative costs incurred by the Secretary in carrying out this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7037. REGIONAL CENTERS OF EXCELLENCE.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7036) is amended by adding at the end the following:

''SEC. 1473F. REGIONAL CENTERS OF EXCELLENCE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to authorize regional centers of excellence for specific agricultural commodities; and

''(2) to develop a national, coordinated program of research, teaching, and extension for commodities that will—

''(A) be cost effective by reducing duplicative efforts regarding research, teaching, and extension;

''(B) leverage available resources by using public/private partnerships among industry groups, institutions of higher education, and the Federal Government;

''(C) increase the economic returns to agricultural commodity industries by identifying, attracting, and directing funds to high-priority industry issues; and

''(D) more effectively disseminate industry issue solutions to target audiences through web-based extension information, instructional courses, and educational or training modules.

''(b) DEFINITIONS.—In this section:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the meaning given the term in section 513 of the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7412).

''(2) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

''(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

''(B) 1890 Institutions (as defined in section 2 of that Act); and

''(C) 1994 Institutions (as defined in section 2 of that Act).

''(c) ESTABLISHMENT.—

''(1) ORIGINAL COMPOSITION.—The Secretary shall establish regional centers of excellence for specific agricultural commodities that are each comprised of—

''(A) a lead land-grant college or university; and

''(B) 1 or more member land-grant colleges and universities that provide financial support to the regional center of excellence.

''(2) BOARD OF DIRECTORS.—Each regional center of excellence shall be administered by a board of directors consisting of 15 members, as determined by the lead and member land-grant colleges and universities of the center.

''(3) ADDITIONAL DIRECTORS AND INSTITUTIONS.—Each board of directors of a regional center of excellence may—

''(A) designate additional land-grant colleges and universities as members of the center; and

''(B) designate representatives of the additional land-grant colleges and universities and agriculture industry groups to be additional members of the board of directors.

''(d) PROGRAMS.—Each regional center of excellence shall achieve the purposes of this section through—

''(1) research initiatives focused on issues pertaining to the specific agricultural commodity;

''(2) teaching initiatives at lead and member land-grant colleges and universities to provide intensive education relating to the specific agricultural commodity; and

''(3) extension initiatives focusing on an internet-based information gateway to provide for relevant information development, warehousing, and delivery.

''(e) FUNDING.—

''(1) IN GENERAL.—Each regional center of excellence shall be funded through the use of—

''(A) grants made by the Secretary; and

''(B) matching funds provided by land-grant colleges and universities and agriculture industry groups.

''(2) PROCESS.—The board of directors of each regional center of excellence shall have

the responsibility for submitting grant proposals to the Secretary to carry out the research, education, and extension program activities described in subsection (d).

''(3) TERM OF GRANT.—The term of a grant under this subsection may not exceed 5 years.

''(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 2012.''.

SEC. 7038. NATIONAL DROUGHT MITIGATION CENTER.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7037) is amended by adding at the end the following:

''SEC. 1473G. NATIONAL DROUGHT MITIGATION CENTER.

''(a) IN GENERAL.—The Secretary shall offer to enter into an agreement with the National Drought Mitigation Center, under which the Center shall—

''(1) continue to produce the United States Drought Monitor;

''(2) maintain a clearinghouse and internet portal on drought; and

''(3) develop new drought mitigation and preparedness strategies, responses, models, and methodologies for the agricultural community.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.''.

SEC. 7039. AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7038) is amended by adding at the end the following:

''SEC. 1473H. AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.

''(a) DEFINITIONS.—In this section:

''(1) AMERICAN-PACIFIC REGION.—The term 'American-Pacific region' means the region encompassing—

''(A) American Samoa;

''(B) Guam;

''(C) the Commonwealth of the Northern Mariana Islands;

''(D) the Federated States of Micronesia;

''(E) the Republic of the Marshall Islands;

''(F) the Republic of Palau;

''(G) the State of Hawaii; and

''(H) the State of Alaska.

''(2) CONSORTIUM.—The term 'consortium' means a collaborative group that—

''(A) is composed of each eligible institution; and

''(B) submits to the Secretary an application for a grant under subsection (b)(2).

''(3) ELIGIBLE INSTITUTION.—The term 'eligible institution' means a land-grant college or university that is located in the American-Pacific region.

''(b) AGRICULTURAL DEVELOPMENT IN THE AMERICAN PACIFIC GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants to a consortium of eligible institutions to carry out integrated research, extension, and instruction programs in support of food and agricultural sciences.

''(2) APPLICATION.—To receive a grant under paragraph (1), a consortium of eligible institutions shall submit to the Secretary an application that includes—

''(A) for each eligible institution, a description of each objective, procedure, and proposed use of funds relating to any funds provided by the Secretary to the consortium under paragraph (1); and

''(B) the method of allocation proposed by the consortium to distribute to each eligible institution any funds provided by the Secretary to the consortium under paragraph (1).

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible institution that receives funds through a grant under paragraph (1) shall use the funds—

''(i) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure required to integrate research, extension, and instruction programs in the American-Pacific region;

''(ii) to develop and provide support for conducting research, extension, and instruction programs in support of food and agricultural sciences relevant to the American-Pacific region, with special emphasis on—

''(I) the management of pests; and

''(II) the control of the spread of invasive alien species; and

''(iii) to provide leadership development to administrators, faculty, and staff of the eligible institution with responsibility for programs relating to agricultural research, extension, and instruction.

''(B) PROHIBITED USES.—An eligible institution that receives funds through a grant under paragraph (1) may not use the funds for any cost relating to the planning, acquisition, construction, rehabilitation, or repair of any building or facility of the eligible institution.

''(4) GRANT TERM.—A grant under paragraph (1) shall have a term of not more than 5 years.

''(5) ADMINISTRATION.—

''(A) AUTHORITY OF SECRETARY.—The Secretary may carry out this section in a manner that recognizes the different needs of, and opportunities for, each eligible institution.

''(B) ADMINISTRATIVE COSTS.—The Secretary shall use not more than 4 percent of the amount appropriated under subsection (d) for a fiscal year to pay administrative costs incurred in carrying out this section.

''(c) NO EFFECT ON DISTRIBUTION OF FUNDS.—Nothing in this section affects any basis for distribution of funds by a formula in existence on the date of enactment of this section relating to—

''(1) the Federated States of Micronesia;

''(2) the Republic of the Marshall Islands; or

''(3) the Republic of Palau.

''(d) 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.''.

SEC. 7040. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7039) is amended by adding at the end the following:

''SEC. 1473I. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

''(a) FELLOWSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a fellowship program, to be known as the 'Borlaug International Agricultural Science and Technology Fellowship Program,' to provide fellowships for scientific training and study in the United States to individuals from eligible countries (as described in subsection (b)) who specialize in agricultural education, research, and extension.

''(2) PROGRAMS.—The Secretary shall carry out the fellowship program by implementing 3 programs designed to assist individual fellowship recipients, including—

''(A) a graduate studies program in agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution;

''(B) an individual career improvement program to assist agricultural scientists from developing countries in upgrading skills and understanding in agricultural science and technology; and

''(C) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the newly independent states of the former Soviet Union.

''(b) ELIGIBLE COUNTRIES.—An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

''(c) PURPOSE OF FELLOWSHIPS.—A fellowship provided under this section shall—

''(1) promote food security and economic growth in eligible countries by—

''(A) educating a new generation of agricultural scientists;

''(B) increasing scientific knowledge and collaborative research to improve agricultural productivity; and

''(C) extending that knowledge to users and intermediaries in the marketplace; and

''(2) shall support—

''(A) training and collaborative research opportunities through exchanges for entry level international agricultural research scientists, faculty, and policymakers from eligible countries;

''(B) collaborative research to improve agricultural productivity;

''(C) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

''(D) the reduction of barriers to technology adoption.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships under this section to individuals from eligible countries who specialize in or have experience in agricultural education, research, extension, or related fields, including—

''(A) individuals from the public and private sectors; and

''(B) private agricultural producers.

''(2) CANDIDATE IDENTIFICATION.—The Secretary shall use the expertise of United States land grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

''(e) USE OF FELLOWSHIPS.—A fellowship provided under this section shall be used—

''(1) to promote collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and

''(2) to support fellowship recipients through programs described in subsection (a)(2).

''(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation, and monitoring of the overall Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management of 1 or more of the fellowship programs.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''.

SEC. 7041. NEW ERA RURAL TECHNOLOGY PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7040) is amended by adding at the end the following:

"SEC. 1473J. NEW ERA RURAL TECHNOLOGY PROGRAM.

''(a) DEFINITION OF RURAL COMMUNITY COLLEGE.—In this section, the term 'rural community college' means an institution of higher education that—

''(1) admits as regular students individuals who—

''(A) are beyond the age of compulsory school attendance in the State in which the institution is located; and

''(B) have the ability to benefit from the training offered by the institution, in accordance with criteria established by the Secretary;

''(2) does not provide an educational program for which it awards a bachelor's degree or an equivalent degree;

''(3)(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

''(B) offers a 2–year program in engineering, technology, mathematics, or the physical, chemical or biological sciences that is designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge; and

''(4) is located in a rural area (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(b) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program, to be known as the 'New Era Rural Technology Program', under which the Secretary shall make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

''(2) FIELDS.—In making grants under the program, the Secretary shall support the fields of—

''(A) bioenergy;

''(B) pulp and paper manufacturing; and

''(C) agriculture-based renewable energy resources.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a rural community college or advanced technological center (as determined by the Secretary), in existence on the date of the enactment of this section, that participates in agricultural or bioenergy research and applied research;

''(2) have a proven record of development and implementation of programs to meet the needs of students, educators, business, and industry to supply the agriculture-based, renewable energy, or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

''(3) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

''(d) GRANT PRIORITY.—In making grants under this section, the Secretary shall give preference to rural community colleges working in partnership—

''(1) to improve information sharing capacity; and

''(2) to maximize the ability of eligible recipients to meet the purposes of this section.

''(e) 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.''.

SEC. 7042. FARM AND RANCH STRESS ASSISTANCE NETWORK.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7041) is amended by adding at the end the following:

"SEC. 1473K. FARM AND RANCH STRESS ASSISTANCE NETWORK.

''(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Health and Human Services, shall establish a network, to be known as the 'Farm and Ranch Stress Assistance Network' (referred to in this section as the 'Network').

''(b) PURPOSE.—The purpose the network shall be to provide behavioral health programs to participants in the agricultural sector in the United States.

''(c) GRANTS.—The Secretary, in collaboration with the extension service at the National Institute of Food and Agriculture, shall provide grants on a competitive basis to States and nonprofit organizations for use in carrying out pilot projects to achieve the purpose of the Network.

''(d) 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.''.

SEC. 7043. RURAL ENTREPRENEURSHIP AND ENTERPRISE FACILITATION PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7042) is amended by adding at the end the following:

"SEC. 1473L. RURAL ENTREPRENEURSHIP AND ENTERPRISE FACILITATION PROGRAM.

''(a) DEFINITION OF REGIONAL RURAL DEVELOPMENT CENTER.—In this section, the term 'regional rural development center' means—

''(1) the North Central Regional Center for Rural Development (or a designee);

''(2) the Northeast Regional Center for Rural Development (or a designee);

''(3) the Southern Rural Development Center (or a designee); and

''(4) the Western Rural Development Center (or a designee).

''(b) PROJECTS.—The Secretary shall carry out research, extension, and education projects to obtain data, convey knowledge, and develop skills through projects that—

''(1) transfer practical, reliable, and timely information to rural entrepreneurs and rural entrepreneurial development organizations concerning business management, business planning, microenterprise, marketing, entrepreneurial education and training, and the development of local and regional entrepreneurial systems in rural areas and rural communities;

''(2) provide education, training, and technical assistance to newly-operational and growing rural businesses;

''(3) improve access to diverse sources of capital, such as microenterprise loans and venture capital;

''(4) determine the best methods to train entrepreneurs with respect to preparing business plans, recordkeeping, tax rules, financial management, and general business practices;

''(5) promote entrepreneurship among—

''(A) rural youth, minority, and immigrant populations;

''(B) women; and

''(C) low- and moderate-income rural residents;

''(6) create networks of entrepreneurial support through partnerships among rural entrepreneurs, local business communities, all levels of government, nonprofit organizations, colleges and universities, and other sectors;

''(7) study and facilitate entrepreneurial development systems that best align with the unique needs and strengths of particular rural areas and communities; and

''(8) explore promising strategies for building an integrated system of program delivery to rural entrepreneurs.

''(c) AGREEMENTS.—To carry out projects under subsection (b), the Secretary shall provide grants to—

''(1) land-grant colleges and universities, including cooperative extension services, agricultural experiment stations, and regional rural development centers;

''(2) other colleges and universities;

''(3) community, junior, technical, and vocational colleges and other 2-year institutions of higher education, and post-secondary business and commerce schools;

''(4) elementary schools and secondary schools;

''(5) nonprofit organizations; and

''(6) Federal, State, local, and tribal governmental entities.

''(d) SELECTION AND PRIORITY OF PROJECTS.—

''(1) IN GENERAL.—In selecting projects to be carried out under this section, the Secretary shall take into consideration—

''(A) the relevance of the project to the purposes of this section;

''(B) the appropriateness of the design of the project;

''(C) the likelihood of achieving the objectives of the project; and

''(D) the national or regional applicability of the findings and outcomes of the project.

''(2) PRIORITY.—In carrying out projects under this section, the Secretary shall give priority to projects that—

''(A) enhance widespread access to entrepreneurial education, including access to such education in community-based settings for low- and moderate-income entrepreneurs and potential entrepreneurs;

''(B) closely coordinate research and education activities, including outreach education efforts;

''(C) indicate the manner in which the findings of the project will be made readily usable to rural entrepreneurs and to rural community leaders;

''(D) maximize the involvement and cooperation of rural entrepreneurs; and

''(E) involve cooperation and partnerships between rural entrepreneurs, nonprofit organizations, entrepreneurial development organizations, educational institutions at all levels, and government agencies at all levels.

''(e) COMPETITIVE BASIS.—Grants under this section shall be awarded on a competitive basis, in accordance with such criteria as the national administrative council established under subsection (j)(1) may establish.

''(f) TERM.—The term of a grant provided under this section shall be not more than 5 years.

''(g) LIMITATION.—Not more than 20 percent of the total amount of grants provided under this section shall be provided to projects in which cooperative extension services are involved as the sole or lead entity of the project.

''(h) DIVERSIFICATION OF RESEARCH, EXTENSION, AND EDUCATION PROJECTS.—The Secretary shall carry out projects under this section in areas that the Secretary determines to be broadly representative of the diversity of the rural areas of the United States, and of rural entrepreneurship in the United States, including entrepreneurship involving youth, minority populations, microenterprise, and women, with a focus on nonagricultural businesses or food and agriculturally-based businesses, but not direct agriculture production.

''(i) ADMINISTRATION.—The Secretary shall administer projects carried out under this section acting through the Administrator of the National Institute of Food and Agriculture.

''(j) NATIONAL ADMINISTRATIVE COUNCIL.—

''(1) ESTABLISHMENT.—The Secretary shall establish, in accordance with this subsection, a national administrative council to assist the Secretary in carrying out this section.

''(2) MEMBERSHIP.—The membership of the national administrative council shall include—

''(A) qualified representatives of entities with demonstrable expertise relating to rural entrepreneurship, including representatives of—

''(i) the Cooperative State Research, Education, and Extension Service;

''(ii) the Rural Business-Cooperative Service;

''(iii) the Small Business Administration;

''(iv) regional rural development centers;

''(v) nonprofit organizations;

''(vi) regional and State agencies;

''(vii) cooperative extension services;

''(viii) colleges and universities;

''(ix) philanthropic organizations; and

''(x) Indian tribal governments;

''(B) self-employed rural entrepreneurs and owners of rural small businesses;

''(C) elementary and secondary educators that demonstrate experience in rural entrepreneurship; and

''(D) other persons with experience relating to rural entrepreneurship and the impact of rural entrepreneurship on rural communities.

''(3) RESPONSIBILITIES.—In collaboration with the Secretary, the national administrative council established under this subsection shall—

''(A) promote the projects carried out under this section;

''(B) establish goals and criteria for the selection of projects under this section;

''(C)(i) appoint a technical committee to evaluate project proposals to be considered by the council; and

''(ii) make recommendations of the technical committee to the Secretary; and

''(D) prepare and make publicly available an annual report relating to each applicable project carried out under this section, including a review of projects carried out during the preceding year.

''(4) CONFLICT OF INTEREST.—A member of the national administrative council or a technical committee shall not participate in any determination relating to, or recommendation of, a project proposed to be carried out under this section if the member has had any business interest (including the provision of consulting services) in the project or the organization submitting the application.

''(k) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of the fiscal years 2008 through 2012.''.

SEC. 7044. SEED DISTRIBUTION.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7043) is amended by adding at the end the following:

''SEC. 1473M. SEED DISTRIBUTION.

''(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'seed distribution program', under which the Secretary shall provide a grant to a nonprofit organization selected under subsection (c) to carry out a seed distribution program to administer and maintain the distribution of vegetable seeds donated by commercial seed companies.

''(b) PURPOSE.—The purpose of the seed distribution program under this section shall be to distribute vegetable seeds donated by commercial seed companies.

''(c) SELECTION OF NONPROFIT ORGANIZATIONS.—

''(1) IN GENERAL.—The nonprofit organization selected to receive a grant under subsection (a) shall demonstrate to the satisfaction of the Secretary that the organization—

''(A) has expertise regarding distribution of vegetable seeds donated by commercial seed companies; and

''(B) has the ability to achieve the purpose of the seed distribution program.

''(2) PRIORITY.—In selecting a nonprofit organization for purposes of this section, the Secretary shall give priority to a nonprofit organization that, as of the date of selection, carries out an activity to benefit underserved communities, such as communities that experience—

''(A) limited access to affordable fresh vegetables;

''(B) a high rate of hunger or food insecurity; or

''(C) severe or persistent poverty.

''(d) REQUIREMENT.—The nonprofit organization selected under this section shall ensure that seeds donated by commercial seed companies are distributed free-of-charge to appropriate—

''(1) individuals;

''(2) groups;

''(3) institutions;

''(4) governmental and nongovernmental organizations; and

''(5) such other entities as the Secretary may designate.

''(e) 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.''.

SEC. 7045. FARM AND RANCH SAFETY.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7044) is amended by adding at the end the following:

''SEC. 1473N. FARM AND RANCH SAFETY.

''(a) IN GENERAL.—The Secretary shall establish a program, to be known as the 'agricultural safety program', under which the Secretary shall provide grants to eligible entities to carry out projects to decrease the incidence of injury and death on farms and ranches.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a nonprofit organization;

''(2) a land-grant college or university (including a cooperative extension service);

''(3) a minority-serving institution;

''(4) a 2-year or 4-year institution of higher education; or

''(5) such other entity as the Secretary may designate.

''(c) ELIGIBLE PROJECTS.—An eligible entity shall use a grant received under this section only to carry out—

''(1) a project at least 1 component of which emphasizes—

''(A) preventative service through on-site farm or ranch safety reviews;

''(B) outreach and dissemination of farm safety research and interventions to agricultural employers, employees, youth, farm and ranch families, seasonal workers, or other individuals; or

''(C) agricultural safety education and training; and

''(2) other appropriate activities, as determined by the Secretary;

''(d) 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.''.

SEC. 7046. WOMEN AND MINORITIES IN STEM FIELDS.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7045) is amended by adding at the end the following:

''SEC. 1473O. WOMEN AND MINORITIES IN STEM FIELDS.

''(a) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary, in coordination with applicable Federal, State, and local programs, shall provide grants to eligible institutions to increase, to the maximum extent practicable, participation by women and underrepresented minorities from rural areas (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))), in science, technology, engineering, and mathematics fields (referred to in this section as 'STEM fields').

''(b) ACTIVITIES.—In carrying out the program established under subsection (a), the Secretary shall—

''(1) implement multitrack technology career advancement training programs and provide related services to engage, and encourage participation by, women and underrepresented minorities in STEM fields;

''(2) develop and administer training programs for educators, career counselors, and industry representatives in recruitment and retention strategies to increase and retain women and underrepresented minority students and job entrants into STEM fields; and

''(3) support education-to-workforce programs for women and underrepresented minorities to provide counseling, job shadowing, mentoring, and internship opportunities to guide participants in the academic, training, and work experience needed for STEM careers.

''(c) INSTITUTIONS.—

''(1) GRANTS.—The Secretary shall carry out the program under this section at such institutions as the Secretary determines to be appropriate by providing grants, on a competitive basis, to the institutions.

''(2) PRIORITY.—In providing grants under paragraph (1), the Secretary shall give priority, to the maximum extent practicable, to institutions carrying out continuing programs funded by the Secretary.

''(d) 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.''.

SEC. 7047. NATURAL PRODUCTS RESEARCH PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7046) is amended by adding at the end the following:

''SEC. 1473P. NATURAL PRODUCTS RESEARCH PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a natural products research program.

''(b) DUTIES.—In carrying out the program established under subsection (a), the Secretary shall coordinate research relating to natural products, including—

''(1) research to improve human health and agricultural productivity through the discovery, development, and commercialization of pharmaceuticals and agrichemicals from bioactive natural products, including products from plant, marine, and microbial sources;

''(2) research to characterize the botanical sources, production, chemistry, and biological properties of plant-derived natural products important for agriculture and medicine; and

''(3) other research priorities identified by the Secretary.

''(c) 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 2012.''.

SEC. 7048. INTERNATIONAL ANTI-HUNGER AND NUTRITION PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7047) is amended by adding at the end the following:

''SEC. 1473Q. INTERNATIONAL ANTI-HUNGER AND NUTRITION.

''(a) IN GENERAL.—The Secretary shall provide support to established nonprofit organizations that focus on promoting research concerning—

''(1) anti-hunger and improved nutrition efforts internationally; and

''(2) increased quantity, quality, and availability of food.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 7049. CONSORTIUM FOR AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7048) is amended by adding at the end the following:

''SEC. 1473R. CONSORTIUM FOR AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

''(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Secretary, acting through the Agricultural Marketing Service, shall award grants to the Consortium for Agricultural and Rural Transportation Research and Education for the purpose of funding prospective, independent research, education, and technology transfer activities.

''(b) ACTIVITIES.—Activities funded with grants made under subsection (a) shall focus on critical rural and agricultural transportation and logistics issues facing agricultural producers and other rural businesses, including—

''(1) issues relating to the relationship between renewable fuels and transportation;

''(2) export promotion issues based on transportation strategies for rural areas;

''(3) transportation and rural business facility planning and location issues;

''(4) transportation management and supply chain management support issues;

''(5) rural road planning and finance issues;

''(6) advanced transportation technology applications in a rural area; and

''(7) creation of a national agricultural marketing and rural business transportation database.

''(c) REPORT.—Not later than September 30, 2011, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(1) describes the activities of Consortium for Agricultural and Rural Transportation Research and Education that have been funded through grants made under this section; and

''(2) contains recommendations about the grant program.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $19,000,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATIVE EXPENSES.—Of the total amount made available under paragraph (1), not more than $1,000,000 may be used by the Agricultural Marketing Service for administrative expenses incurred in carrying out this section.''.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7101. NATIONAL GENETIC RESOURCES PROGRAM.

(a) IN GENERAL.—Section 1632 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5841) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PURPOSE.—The program is established for the purpose of—

''(1) maintaining and enhancing a program providing for the collection, preservation, and dissemination of plant, animal, and microbial genetic material of importance to food and agriculture production in the United States; and

''(2) undertaking long-term research on plant and animal breeding and disease resistance.''; and

(2) in subsection (d)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

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

''(6) in conjunction with national programs for plant and animal genetic resources, undertake long-term research on plant and animal breeding, including the development of varieties adapted to sustainable and organic farming systems, and disease resistance; and''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7102. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

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

''(46) COLONY COLLAPSE DISORDER AND POLLINATOR RESEARCH PROGRAM.—Research and extension grants may be made to—

''(A) survey and collect data on bee colony production and health;

''(B) investigate pollinator biology, immunology, ecology, genomics, and bioinformatics;

''(C) conduct research on various factors that may be contributing to or associated with colony collapse disorder, and other serious threats to the health of honey bees and other pollinators, including—

''(i) parasites and pathogens of pollinators; and

''(ii) the sublethal effects of insecticides, herbicides, and fungicides on honey bees and native and managed pollinators;

''(D) develop mitigative and preventative measures to improve native and managed pollinator health; and

''(E) promote the health of honey bees and native pollinators through habitat conservation and best management practices.

''(47) MARINE SHRIMP FARMING PROGRAM.—Research and extension grants may be made to establish a research program to advance and maintain a domestic shrimp farming industry in the United States.

''(48) CRANBERRY RESEARCH PROGRAM.—Research and extension grants may be made to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase cranberry production, develop new growing techniques, establish more efficient growing methodologies, and educate farmers about sustainable growth practices.

''(49) TURFGRASS RESEARCH INITIATIVE.—Research and extension grants may be made to study the production of turfgrass (including the use of water, fertilizer, pesticides, fossil fuels, and machinery for turf establishment and maintenance) and environmental protection and enhancement relating to turfgrass production.

''(50) PESTICIDE SAFETY RESEARCH INITIATIVE.—Research grants may be made to study pesticide safety for migrant and seasonal agricultural workers, including research on increased risks of cancer or birth defects among migrant or seasonal farmworkers and their children, identification of objective biological indicators, and development of inexpensive clinical tests to enable clinicians to diagnose overexposure to pesticides, and development of field-level tests to determine when pesticide-treated fields are safe to reenter to perform hand labor activities.

''(51) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research and to map the swine genome.

''(52) HIGH PLAINS AQUIFER REGION.—Research and extension grants may be made to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region encompassing the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

''(53) CELLULOSIC FEEDSTOCK TRANSPORTATION AND DELIVERY INITIATIVE.—Research and extension grants may be made to study new technologies for the economic post-harvest densification, handling, transportation, and delivery of cellulosic feedstocks for bioenergy conversion.

''(54) DEER INITIATIVE.—Research and extension grants may be made to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

''(55) PASTURE-BASED BEEF SYSTEMS FOR APPALACHIA RESEARCH INITIATIVE.—Research and extension grants may be made to land-grant institutions—

''(A) to study the development of forage sequences and combinations for cow-calf, heifer development, stocker, and finishing systems;

''(B) to deliver optimal nutritive value for efficient production of cattle for pasture finishing;

''(C) to optimize forage systems to produce pasture finished beef that is acceptable to consumers;

''(D) to develop a 12-month production and marketing model cycle for forage-fed beef; and

''(E) to assess the effect of forage quality on reproductive fitness and related measures.''; and

(2) in subsection (h), by striking ''2007'' and inserting ''2012, of which $20,000,000 shall be used for each fiscal year to make grants described in subsection (e)(46)''.

SEC. 7103. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is amended—

(1) by redesignating subsection (g) as subsection (f); and

(2) in subsection (f) (as so redesignated), by striking ''2007'' and inserting ''2012''.

SEC. 7104. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended by striking subsection (e) and inserting the following:

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $16,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.''.

SEC. 7105. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7106. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7107. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7201. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

(a) FUNDING.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended by striking paragraph (3) and inserting the following:

''(3) OTHER FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2008 through 2012.

''(B) SHORTAGE OF FUNDS.—Notwithstanding any other provision of law, during any year for which funds are not made available under this subsection, the Secretary shall use not less than 80 percent of the funds made available for competitive mission-linked systems research grants under section 2(b)(10)(B) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)(B)) to carry out a competitive grant program under the same terms and conditions as are provided under this section.''.

(b) PURPOSES.—Section 401(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(c)) is amended—

(1) in paragraph (1)(D), by striking ''policy''; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (D);

(B) by redesignating subparagraphs (B), (C), (E), and (F) as subparagraphs (A), (B), (F), and (G), respectively;

(C) by inserting after subparagraph (B) the following:

''(C) sustainable and renewable agriculture-based energy production options and policies;

''(D) environmental services and outcome-based conservation programs and markets;

''(E) agricultural and rural entrepreneurship and business and community development, including farming and ranching opportunities for beginning farmers or ranchers;''; and

(D) in subparagraph (F) (as redesignated by subparagraph (B))—

(i) by inserting ''and environmental'' after ''natural resource''; and

(ii) by inserting ''agro-ecosystems and'' after ''including''; and

(E) in subparagraph (G) (as redesignated by subparagraph (B))—

(i) by striking ''including the viability'' and inserting the following: ''including—

''(i) the viability''; and

(ii) by striking ''operations.'' and inserting the following: ''operations;

''(ii) farm transition options for retiring farmers or ranchers; and

''(iii) farm transfer and entry alternatives for beginning or socially-disadvantaged farmers or ranchers.''.

SEC. 7202. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622(g)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7203. PRECISION AGRICULTURE.

Section 403(i)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623(i)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7204. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7205. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7206. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7207. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7208. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Section 409(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7209. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7210. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Section 411(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7211. SPECIALTY CROP RESEARCH INITIATIVE.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

''SEC. 412. SPECIALTY CROP RESEARCH INITIATIVE.

''(a) DEFINITIONS.—In this section:

''(1) INITIATIVE.—The term 'Initiative' means the specialty crop research initiative established by subsection (b).

''(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

''(b) ESTABLISHMENT.—There is established within the Department a specialty crop research initiative.

''(c) PURPOSE.—The purpose of the Initiative shall be to address the critical needs of the specialty crop industry by providing science-based tools to address needs of specific crops and regions, including—

''(1) fundamental and applied work in plant breeding, genetics, and genomics to improve crop characteristics, such as—

''(A) product appearance, quality, taste, yield, and shelf life;

''(B) environmental responses and tolerances;

''(C) plant-nutrient uptake efficiency resulting in improved nutrient management;

''(D) pest and disease management, including resilience to pests and diseases resulting in reduced application management strategies; and

''(E) enhanced phytonutrient content;

''(2) efforts to prevent, identify, control, or eradicate invasive species;

''(3) methods of improving agricultural production by developing more technologically-efficient and effective applications of water, nutrients, and pesticides to reduce energy use;

''(4) new innovations and technology to enhance mechanization and reduce reliance on labor;

''(5) methods of improving production efficiency, productivity, sustainability, and profitability over the long term;

''(6) methods to prevent, control, and respond to human pathogen contamination of specialty crops, including fresh-cut produce; and

''(7) efforts relating to optimizing the production of organic specialty crops.

''(d) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

''(1) Federal agencies;

''(2) national laboratories;

''(3) institutions of higher education;

''(4) research institutions and organizations;

''(5) private organizations and corporations;

''(6) State agricultural experiment stations; and

''(7) individuals.

''(e) RESEARCH PROJECTS.—In carrying out this section, the Secretary may—

''(1) carry out research; and

''(2) award grants on a competitive basis.

''(f) PRIORITIES.—In making grants under this section, the Secretary shall provide a higher priority to projects that—

''(1) are multistate, multi-institutional, or multidisciplinary; and

''(2) include explicit mechanisms to communicate usable results to producers and the public.

''(g) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $30,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.''.

SEC. 7212. OFFICE OF PEST MANAGEMENT POLICY.

(a) IN GENERAL.—Section 614(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Department'' and inserting ''Office of the Chief Economist'';

(2) in paragraph (1), by striking ''the development and coordination'' and inserting ''the development, coordination, and representation''; and

(3) in paragraph (3), by striking ''assisting other agencies of the Department in fulfilling their'' and inserting ''enabling the Secretary to fulfill the statutory''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7213. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642) is amended by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2008 through 2012.''.

Subtitle D—Other Laws

SEC. 7301. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7302. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by adding at the end the following:

''(34) Ilisagvik College.''.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(d) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

SEC. 7303. SMITH-LEVER ACT.

(a) CHILDREN, YOUTH, AND FAMILIES EDUCATION AND RESEARCH NETWORK PROGRAM.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by adding at the end the following:

''(k) CHILDREN, YOUTH, AND FAMILIES EDUCATION AND RESEARCH NETWORK PROGRAM.—Notwithstanding section 3(d)(2) of the Act of May 8, 1914 (7 U.S.C. 343(d)(2)), in carrying out the children, youth, and families education and research network program using amounts made available under subsection (d), the Secretary shall include 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)) as eligible program applicants and participants.''.

(b) ELIMINATION OF THE GOVERNOR'S REPORT REQUIREMENT FOR EXTENSION ACTIVITIES.—Section 5 of the Smith-Lever Act (7 U.S.C. 345) is amended by striking the third sentence.

SEC. 7304. HATCH ACT OF 1887.

(a) DISTRICT OF COLUMBIA.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361c(d)(4)) is amended—

(1) in the paragraph heading, by inserting ''AND THE DISTRICT OF COLUMBIA'' after ''AREAS'';

(2) in subparagraph (A)—

(A) by inserting ''and the District of Columbia'' after ''United States''; and

(B) by inserting ''and the District of Columbia'' after ''respectively,''; and

(3) in subparagraph (B), by inserting ''or the District of Columbia'' after ''area''.

(b) ELIMINATION OF PENALTY MAIL AUTHORITIES.—

(1) IN GENERAL.—Section 6 of the Hatch Act of 1887 (7 U.S.C. 361f) is amended in the first sentence by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(2) CONFORMING AMENDMENTS IN OTHER LAWS.—

(A) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—

(i) Section 1444(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(f)) is amended by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(ii) Section 1445(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(e)) is amended by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(B) OTHER PROVISIONS.—Section 3202(a) of title 39, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (D), by adding ''and'' at the end;

(II) in subparagraph (E), by striking ''sections; and'' and inserting ''sections.''; and

(III) by striking subparagraph (F);

(ii) in paragraph (2), by adding ''and'' at the end;

(iii) in paragraph (3) by striking ''thereof; and'' and inserting ''thereof.''; and

(iv) by striking paragraph (4).

SEC. 7305. RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7306. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7307. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''in the areas'' and all that follows through ''needs shall be'' and inserting '', as''; and

(ii) by striking ''year.'' and inserting ''year, relating to—'';

(B) in subparagraph (E), by striking ''and'' at the end and inserting ''; agricultural genomics and biotechnology, including the application of genomics and bioinformatics tools to develop traits in plants and animals (translational genomics);'';

(C) in subparagraph (F), by striking the period at the end and inserting '', including areas of concern to beginning farmers or ranchers; and''; and

(D) by adding at the end the following:

''(G) classical plant and animal breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for organic and sustainable systems, breeding for improved nutritional and eating quality, breeding for improved local adaptation to biotic stress, abiotic stress, and climate change, and participatory breeding with farmers and end users.'';

(2) in paragraph (4)—

(A) by striking ''The'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the''; and

(B) by adding at the end the following:

''(B) CLASSICAL PLANT AND ANIMAL BREEDING.—

''(i) TERM.—The term of a competitive grant relating to classical plant and animal breeding under paragraph (2)(G) shall not exceed 10 years.

''(ii) AVAILABILITY.—Funds made available for a fiscal year for a competitive grant relating to classical plant and animal breeding under paragraph (2)(G) shall remain available until expended to pay for obligations incurred in that fiscal year.''; and

(3) in paragraph (10), by striking ''2007'' and inserting ''2012''.

SEC. 7308. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS.

Section 759 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 3242) is amended—

(1) in subsection (a)(3), by striking ''2006'' and inserting ''2012''; and

(2) in subsection (b)—

(A) in paragraph (2)(A), by inserting before the semicolon at the end the following: '', including permitting consortia to designate fiscal agents for the members of the consortia and to allocate among the members funds made available under this section''; and

(B) in paragraph (3), by striking ''2006'' and inserting ''2012''.

SEC. 7309. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) GRANTS.—Section 7405(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (I), by inserting '', including energy conservation and efficiency'' after ''assistance''; and

(B) in subparagraph (K), by inserting '', including transition to organic and other source-verified and value-added alternative production and marketing systems'' after ''strategies'';

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

''(3) MAXIMUM TERM AND SIZE OF GRANT.—

''(A) IN GENERAL.—A grant under this subsection shall—

''(i) have a term that is not more than 3 years; and

''(ii) be in an amount that is not more than $250,000 a year.

''(B) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this subsection.'';

(3) by redesignating paragraphs (5) through (7) as paragraphs (9) through (11), respectively;

(4) by inserting after paragraph (4) the following:

''(5) EVALUATION CRITERIA.—In making grants under this subsection, the Secretary shall evaluate—

''(A) relevancy;

''(B) technical merit;

''(C) achievability;

''(D) the expertise and track record of 1 or more applicants;

''(E) the adequacy of plans for the participatory evaluation process, outcome-based reporting, and the communication of findings and results beyond the immediate target audience; and

''(F) other appropriate factors, as determined by the Secretary.

''(6) REGIONAL BALANCE.—In making grants under this subsection, the Secretary shall, to the maximum extent practicable, ensure geographic diversity.

''(7) ORGANIC CONVERSION.—The Secretary may make grants under this subsection to support projects that provide comprehensive technical assistance to beginning farmers or ranchers who are in the process of converting to certified organic production.

''(8) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include non-governmental and community-based organizations with expertise in new farmer training and outreach.''; and

(5) in paragraph (9) (as redesignated by paragraph (3))—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and adding ''; and''; and

(C) by adding at the end the following:

''(D) refugee or immigrant beginning farmers or ranchers''.

(b) EDUCATION TEAMS.—Section 7405(d)(2) of the Farm Security and Rural Investment At of 2002 (7 U.S.C. 3319f(d)(2)) is amended by inserting '', including sustainable and organic farming production and marketing methods'' before the period at the end.

(c) STAKEHOLDER INPUT.—Section 7405(f) of the Farm Security and Rural Investment At of 2002 (7 U.S.C. 3319f(f)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(2) by striking ''In carrying out'' and inserting the following:

''(1) IN GENERAL.—In carrying out''; and

(3) by adding at the end the following:

''(2) REVIEW PANELS.—In forming review panels to evaluate proposals submitted under this section, the Secretary shall include individuals from the categories described in paragraph (1).''.

(d) FUNDING.—Section 7405 of the Farm Security and Rural Investment At of 2002 (7 U.S.C. 3319f) is amended by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2002 through 2012.''.

SEC. 7310. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

Section 2 of Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a–1) is amended by inserting ''and 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)),'' before ''and (b)''.

SEC. 7311. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 7312. NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

''SEC. 7. CONSTRUCTION OF A CHINESE GARDEN AT NATIONAL ARBORETUM.

''A Chinese Garden may be constructed at the National Arboretum established under this Act with—

''(1) funds accepted under section 5;

''(2) authorities provided to the Secretary of Agriculture under section 6; and

''(3) appropriations made for this purpose.''.

SEC. 7313. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR CERTAIN LAND-GRANT UNIVERSITY ASSISTANCE.

Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) is amended—

(1) in subsection (b)(2), by striking '', except'' and all that follows through the period and inserting a period; and

(2) in subsection (c)—

(A) by striking ''section 3'' each place it appears and inserting ''section 3(c)''; and

(B) by striking ''Such sums may be used to pay'' and all that follows through ''work.''.

SEC. 7314. EXCHANGE OR SALE AUTHORITY.

Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 307 (7 U.S.C. 2204 note; Public Law 103–354) (as amended by section 2602) the following:

''SEC. 308. EXCHANGE OR SALE AUTHORITY.

''(a) DEFINITION OF QUALIFIED ITEMS OF PERSONAL PROPERTY.—In this section, the term 'qualified items of personal property' means—

''(1) animals;

''(2) animal products;

''(3) plants; and

''(4) plant products.

''(b) GENERAL AUTHORITY.—Except as provided in subsection (c), notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary of Agriculture, acting through the Under Secretary for Research, Education, and Economics, in managing personal property for the purpose of carrying out the research functions of the Department of Agriculture, may exchange, sell, or otherwise dispose of any qualified items of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation, in whole or in partial payment—

''(1) to acquire any qualified items of personal property; or

''(2) to offset costs related to the maintenance, care, or feeding of any qualified items of personal property.

''(c) EXCEPTION.—Subsection (b) does not apply to the free dissemination of new varieties of seeds and germ plasm in accordance with section 520 of the Revised Statutes (commonly known as the 'Department of Agriculture Organic Act of 1862') (7 U.S.C. 2201).''.

SEC. 7315. CARBON CYCLE RESEARCH.

(a) IN GENERAL.—To the extent funds are made available, the Secretary shall provide a grant to the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, acting through Kansas State University, to develop, analyze, and implement, through the land grant universities described in subsection (b), carbon cycle and greenhouse gas management research at the national, regional, and local levels.

(b) LAND GRANT UNIVERSITIES.—The land grant universities referred to in subsection (a) are—

(1) Colorado State University;

(2) Iowa State University;

(3) Kansas State University;

(4) Michigan State University;

(5) Montana State University;

(6) Purdue University;

(7) Ohio State University;

(8) Texas A&M University; and

(9) University of Nebraska.

(c) USE.—Land grant universities described in subsection (b) shall use funds made available under this section—

(1) to conduct research to improve the scientific basis of using land management practices to increase soil carbon sequestration, including research on the use of new technologies to increase carbon cycle effectiveness, such as biotechnology and nanotechnology;

(2) to conduct research on management of other greenhouse gases in the agricultural sector;

(3) to enter into partnerships to identify, develop, and evaluate agricultural best practices, including partnerships between—

(A) Federal, State, or private entities; and

(B) the Department of Agriculture;

(4) to develop necessary computer models to predict and assess the carbon cycle;

(5) to estimate and develop mechanisms to measure carbon levels made available as a result of—

(A) voluntary Federal conservation programs;

(B) private and Federal forests; and

(C) other land uses;

(6) to develop outreach programs, in coordination with Extension Services, to share information on carbon cycle and agricultural best practices that is useful to agricultural producers; and

(7) to collaborate with the Great Plains Regional Earth Science Application Center to develop a space-based carbon cycle remote sensing technology program—

(A) to provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions;

(B) to assess and model agricultural carbon sequestration; and

(C) to develop commercial products.

(d) COOPERATIVE RESEARCH.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in cooperation with departments and agencies participating in the U.S. Global Change Research Program and eligible entities, may carry out research to promote understanding of—

(A) the flux of carbon in soils and plants (including trees); and

(B) the exchange of other greenhouse gases from agriculture.

(2) ELIGIBLE ENTITIES.—Research under this subsection may be carried out through the competitive awarding of grants and cooperative agreements to colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

(3) COOPERATIVE RESEARCH PURPOSES.—Research conducted under this subsection shall encourage collaboration among scientists with expertise in the areas of soil science, agronomy, agricultural economics, forestry, and other agricultural sciences to focus on—

(A) developing data addressing carbon losses and gains in soils and plants (including trees) and the exchange of methane and nitrous oxide from agriculture;

(B) understanding how agricultural and forestry practices affect the sequestration of carbon in soils and plants (including trees) and the exchange of other greenhouse gases, including the effects of new technologies such as biotechnology and nanotechnology;

(C) developing cost-effective means of measuring and monitoring changes in carbon pools in soils and plants (including trees), including computer models;

(D) evaluating the linkage between Federal conservation programs and carbon sequestration;

(E) developing methods, including remote sensing, to measure the exchange of carbon and other greenhouse gases sequestered, and to evaluate leakage, performance, and permanence issues; and

(F) assessing the applicability of the results of research conducted under this subsection for developing methods to account for the impact of agricultural activities (including forestry) on the exchange of greenhouse gases.

(e) EXTENSION PROJECTS.—

(1) IN GENERAL.—The Secretary, in cooperation with departments and agencies participating in the U.S. Global Change Research Program and local extension agents, experts from institutions of higher education that offer a curriculum in agricultural and biological sciences, and other local agricultural or conservation organizations, may implement extension projects (including on-farm projects with direct involvement of agricultural producers) that combine measurement tools and modeling techniques into integrated packages to monitor the carbon sequestering benefits of conservation practices and the exchange of greenhouse gas emissions from agriculture that demonstrate the feasibility of methods of measuring and monitoring—

(A) changes in carbon content and other carbon pools in soils and plants (including trees); and

(B) the exchange of other greenhouse gases.

(2) EDUCATION AND OUTREACH.—The Secretary shall make available to agricultural producers, private forest landowners, and appropriate State agencies in each State information concerning—

(A) the results of projects under this subsection;

(B) the manner in which the methods used in the projects might be applicable to the operations of the agricultural producers, private forest landowners, and State agencies; and

(C) information on how agricultural producers and private forest landowners can participate in carbon credit and greenhouse gas trading system.

(f) REPEAL.—Section 221 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711) is repealed.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.

Subtitle E—National Institute of Food and Agriculture

SEC. 7401. NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.

(a) IN GENERAL.—Subtitle F of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 252 (7 U.S.C. 6972) the following:

"SEC. 253. NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.

''(a) DEFINITIONS.—In this section:

''(1) ADVISORY BOARD.—The term 'Advisory Board' means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

''(2) COMPETITIVE PROGRAM.—The term 'competitive program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of this section:

''(A) The competitive grant program established under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)), commonly known as the 'National Research Initiative Competitive Grants Program'.

''(B) The program providing competitive grants for risk management education established under section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)).

''(C) The program providing community food project competitive grants established under section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034).

''(D) Each grant program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) providing outreach and assistance for socially disadvantaged farmers and ranchers.

''(E) The program providing grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(1)), commonly known as 'Higher Education Challenge Grants'.

''(F) The program providing grants and related assistance established under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(5)) commonly known as the 'Higher Education Multicultural Scholars Program'.

''(G) The program providing food and agricultural sciences national needs graduate and postgraduate fellowship grants established under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(6)).

''(H) The program providing grants under section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)), commonly known as 'Institution Challenge Grants'.

''(I) The program providing grants for Hispanic-serving institutions established under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241).

''(J) The program providing competitive grants for international agricultural science and education programs under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b).

''(K) The program of agricultural development in the American-Pacific region established under section 1473H of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

''(L) The research and extension projects carried out under section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811), commonly known as the 'Sustainable Agriculture Research and Education program'.

''(M) The biotechnology risk assessment research program established under section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921).

''(N) The organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b).

''(O) The Initiative for Future Agriculture and Food Systems established under section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

''(P) The integrated research, education, and extension competitive grants program established under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

''(Q) The Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638).

''(R) The specialty crop research initiative under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(S) The administration and management of the regional bioenergy crop research program carried out under section 9012 of the Farm Security and Rural Investment Act of 2002.

''(T) Other programs, including any programs added by amendments made by title VII of the Food and Energy Security Act of 2007 that are competitive programs, as determined by the Secretary.

''(3) DIRECTOR.—The term 'Director' means the Director of the Institute.

''(4) INFRASTRUCTURE PROGRAM.—The term 'infrastructure program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of this section:

''(A) Each program providing funding to any of the 1994 Institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) (commonly known as 'financial assistance, technical assistance, and endowments to tribal colleges and Navajo Community College').

''(B) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) providing research grants for 1994 institutions.

''(C) Each program established under subsections (b), (c), and (d) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

''(D) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

''(E) Each program established under section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)), including grant programs under that section (commonly known as the '1890 Institution Teaching and Research Capacity Building Grants Program').

''(F) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

''(G) Each extension program available to 1890 Institutions established under sections 1444 and 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221, 3312).

''(H) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222) (commonly known as the 'Evans-Allen Program').

''(I) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

''(J) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

''(K) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

''(L) Each program available to 1890 Institutions established under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

''(M) The program providing competitive extension grants to eligible 1994 Institutions under section 1464 of National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) and the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) established under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

''(N) Each research and development and related program established under Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).

''(O) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

''(P) Each program providing funding to Hispanic-serving agricultural colleges under section 1456 of the National Agricultural Research, Extension and Teaching Policy Act of 1977.

''(Q) The administration and management of the farm energy education and technical assistance program carried out under section 9005 of the Farm Security and Rural Investment Act of 2002.

''(R) Other programs, including any programs added by amendments made by title VII of the Food and Energy Security Act of 2007 that are infrastructure programs, as determined by the Secretary.

''(5) INSTITUTE.—The term 'Institute' means the National Institute of Food and Agriculture established by subsection (b)(1)(A).

''(b) ESTABLISHMENT OF NATIONAL INSTITUTE FOR FOOD AND AGRICULTURE.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is established within the Department an agency to be known as the 'National Institute of Food and Agriculture'.

''(B) LOCATION.—The location of the Institute shall be in Washington, District of Columbia, as determined by the Secretary.

''(C) MEMBERS.—The Institute shall consist of—

''(i) the Director;

''(ii) the individual offices established under subsection (e); and

''(iii) the staff and employees of National Institute for Food and Agriculture.

''(2) TRANSFER OF AUTHORITIES.—There are transferred to the Institute the authorities (including all budget authorities and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department under—

''(A) the infrastructure programs;

''(B) the competitive programs;

''(C) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and

''(D) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

''(3) CONSOLIDATION OF AUTHORITIES.—To carry out this Act, in accordance with the transfer and continuation of the authorities, budgetary functions, and personnel resources under this subsection, the administrative entity within the Department known as the Cooperative State Research, Education, and Extension Service shall terminate on the earlier of—

''(A) October 1, 2008; or

''(B) such earlier date as the Director determines to be appropriate.

''(c) DIRECTOR.—

''(1) IN GENERAL.—The Institute shall be headed by a Director, who shall be an individual who is—

''(A) a distinguished scientist; and

''(B) appointed by the President, by and with the advice and consent of the Senate.

''(2) TERM.—The Director shall serve for a single, 6-year term.

''(3) SUPERVISION.—The Director shall report directly to the Secretary.

''(4) COMPENSATION.—The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5513 of title 5, United States Code.

''(5) AUTHORITY AND RESPONSIBILITIES OF DIRECTOR.—

''(A) IN GENERAL.—Except as otherwise specifically provided in this section, the Director shall—

''(i) exercise all of the authority provided to the Institute by this section;

''(ii) formulate programs in accordance with policies adopted by the Institute;

''(iii) establish offices within the Institute;

''(iv) establish procedures for the peer review of research funded by the Institute;

''(v) establish procedures for the provision and administration of grants by the Institute in accordance with this section;

''(vi) assess the personnel needs of agricultural research in the areas supported by the Institute, and, if determined to be appropriate by the Director, for other areas of food and agricultural research;

''(vii) plan programs that will help meet agricultural personnel needs in the future, including portable fellowship and training programs in fundamental agricultural research and fundamental science; and

''(viii) consult regularly with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

''(B) FINALITY OF ACTIONS.—An action taken by the Director in accordance with this section shall be final and binding upon the Institute.

''(C) DELEGATION AND REDELEGATION OF FUNCTIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Director may, from time to time and as the Director considers to be appropriate, authorize the performance by any other officer, agency, or employee of the Institute of any of the functions of the Director under this section.

''(ii) CONTRACTS, GRANTS, AND OTHER ARRANGEMENTS.—The Director may enter into contracts and other arrangements, and provide grants, in accordance with this section.

''(iii) FORMULATION OF PROGRAMS.—The formulation of programs in accordance with the policies of the Institute shall be carried out by the Director.

''(6) STAFF.—The Director shall recruit and hire such senior staff and other personnel as are necessary to assist the Director in carrying out this section.

''(7) REPORTING AND CONSULTATION.—The Director shall—

''(A) periodically report to the Secretary with respect to activities carried out by the Institute; and

''(B) consult regularly with the Secretary to ensure, to the maximum extent practicable, that—

''(i) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

''(ii) the research of the Institute supplements and enhances, and does not replace, research conducted or funded by—

''(I) other agencies of the Department;

''(II) the National Science Foundation; or

''(III) the National Institutes of Health.

''(d) POWERS.—

''(1) IN GENERAL.—The Institute shall have such authority as is necessary to carry out this section, including the authority—

''(A) to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel;

''(B) to make such expenditures as are necessary to carry out this section;

''(C) to enter into contracts or other arrangements, or modifications of contracts or other arrangements—

''(i) to provide for the conduct, by organizations or individuals in the United States (including other agencies of the Department, Federal agencies, and agencies of foreign countries), of such agricultural research or related activities as the Institute considers to be necessary to carry out this section; and

''(ii) for the conduct of such specific agricultural research as is in the national interest or is otherwise of critical importance, as determined by the Secretary, with the concurrence of the Institute;

''(D) to make advance, progress, and other payments relating to research and scientific activities without regard to subsections (a) and (b) of section 3324 of title 31, United States Code;

''(E) to receive and use donated funds, if the funds are donated without restriction other than that the funds be used in furtherance of 1 or more of the purposes of the Institute;

''(F) to publish or arrange for the publication of research and scientific information to further the full dissemination of information of scientific value consistent with the national interest, without regard to section 501 of title 44, United States Code;

''(G)(i) to accept and use the services of voluntary and uncompensated personnel; and

''(ii) to provide such transportation and subsistence as are authorized by section 5703 of title 5, United States Code, for individuals serving without compensation;

''(H) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for scientific or engineering research shall be subject to itemization or substantiation prior to payment, without regard to the limitations of other laws relating to the expenditure and accounting of public funds;

''(I) to reimburse the Secretary, and the heads of other Federal agencies, for the performance of any activity that the Institute is authorized to conduct; and

''(J) to enter into contracts, at the request of the Secretary, for the carrying out of such specific agricultural research as is in the national interest or otherwise of critical importance, as determined by the Secretary, with the consent of the Institute.

''(2) TRANSFER OF RESEARCH FUNDS OF OTHER DEPARTMENTS OR AGENCIES.—Funds available to the Secretary, or any other department or agency of the Federal Government, for agricultural or scientific research shall be—

''(A) available for transfer, with the approval of the Secretary or the head of the other appropriate department or agency involved, in whole or in part, to the Institute for use in providing grants in accordance with the purposes for which the funds were made available; and

''(B) if so transferred, expendable by the Institute for those purposes.

''(e) OFFICES.—

''(1) ESTABLISHMENT OF OFFICES.—

''(A) OFFICE OF THE AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION NETWORK.—

''(i) ESTABLISHMENT.—The Director shall establish within the Institute an Office of the Agricultural Research, Extension, and Education Network (referred to in this subparagraph as the 'Office').

''(ii) DUTIES.—At the discretion of the Director, the Office shall have responsibility for all infrastructure programs.

''(B) OFFICE OF COMPETITIVE PROGRAMS FOR FUNDAMENTAL RESEARCH.—

''(i) DEFINITION OF FUNDAMENTAL RESEARCH.—In this subparagraph, the term 'fundamental research' means research that—

''(I) is directed toward greater knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad, rather than specific, application; and

''(II) has an effect on agriculture, food, nutrition, human health, or another purpose of this section.

''(ii) ESTABLISHMENT.—The Director shall establish within the Institute an Office of Competitive Programs for Fundamental Research (referred to in this subparagraph as the 'Office').

''(iii) DUTIES.—At the discretion of the Director, the Office shall have responsibility for all competitive programs relating to fundamental research.

''(C) OFFICE OF COMPETITIVE PROGRAMS FOR APPLIED RESEARCH.—

''(i) DEFINITION OF APPLIED RESEARCH.—In this subparagraph, the term 'applied research' means research that expands on the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.

''(ii) ESTABLISHMENT.—The Director shall establish within the Institute an Office of Competitive Programs for Applied Research

(referred to in this subparagraph as the 'Office').

''(iii) DUTIES.—At the discretion of the Director, the Office shall have responsibility for all competitive programs relating to applied research.

''(D) OFFICE OF COMPETITIVE PROGRAMS FOR EDUCATION AND OTHER PURPOSES.—

''(i) ESTABLISHMENT.—The Director shall establish within the Institute an Office of Competitive Programs for Education and Other Purposes (referred to in this subparagraph as the 'Office')

''(ii) DUTIES.—At the discretion of the Director, the Office shall have responsibility for all competitive programs that provide education fellowships and other education-related grants.

''(2) COMPETITIVE PROGRAMS FOR FUNDAMENTAL AND APPLIED RESEARCH.—

''(A) DEFINITION OF A COMPETITIVE PROGRAM FOR FUNDAMENTAL AND APPLIED RESEARCH.—In this paragraph, the term 'competitive program for fundamental and applied research' means—

''(i) the competitive grant program established under section 2 of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i), commonly known as the 'National Research Initiative Competitive Grants Program'; and

''(ii) any other competitive program within the Institute that funds both fundamental and applied research, as determined by the Director.

''(B) PROGRAM ALLOCATIONS.—For purposes of determining which Office established under paragraph (1) should have primary responsibility for administering grants under a competitive program for fundamental and applied research, the Director shall—

''(i) determine whether the grant under the competitive program for fundamental and applied research is principally related to fundamental or applied research; and

''(ii) assign the grant to the appropriate Office.

''(3) RESPONSIBILITY OF THE DIRECTOR.—The Director shall ensure that the Offices established under paragraph (1) coordinate with each other Office for maximum efficiency.

''(f) REPORTING.—The Director shall submit to the Secretary, the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate—

''(1) not later than 1 year after the date of establishment of the Institute, and biennially thereafter, a comprehensive report that—

''(A) describes the research funded and other activities carried out by the Institute during the period covered by the report; and

''(B) describes each contract or other arrangement that the Institute has entered into, each grant awarded to the Institute, and each other action of the Director taken, under subsection (c)(5)(C)(ii); and

''(2) not later than 1 year after the date of establishment of the Institute, and annually thereafter, a report that describes the allocation and use of funds under subsection (g)(2) of section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

''(g) FUNDING.—

''(1) IN GENERAL.—In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this section for each fiscal year.

''(2) ALLOCATION.—Funding made available under paragraph (1) shall be allocated according to recommendations contained in the roadmap described in section 309(c)(1)(A).''.

(b) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—Section 1408(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)) is amended—

(1) in paragraph (1), by striking ''31 members'' and inserting ''24 members'';

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

''(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:

''(A) 1 member representing a national farm organization.

''(B) 1 member representing farm cooperatives.

''(C) 1 member actively engaged in the production of a food animal commodity.

''(D) 1 member actively engaged in the production of a plant commodity.

''(E) 1 member actively engaged in aquaculture.

''(F) 1 member representing a national food animal science society.

''(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

''(H) 1 member representing a national food science organization.

''(I) 1 member representing a national human health association.

''(J) 1 member representing a national nutritional science society.

''(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

''(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

''(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)).

''(N) 1 member representing Hispanic-serving institutions.

''(O) 1 member representing the American Colleges of Veterinary Medicine.

''(P) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

''(Q) 1 member representing food retailing and marketing interests.

''(R) 1 member representing food and fiber processors.

''(S) 1 member actively engaged in rural economic development.

''(T) 1 member representing a national consumer interest group.

''(U) 1 member representing a national forestry group.

''(V) 1 member representing a national conservation or natural resource group.

''(W) 1 member representing private sector organizations involved in international development.

''(X) 1 member representing a national social science association.''; and

(3) in paragraph (4), by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(c) CONFORMING AMENDMENTS.—

(1) Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) the authority of the Secretary relating to the National Institute of Food and Agriculture under section 253; or''.

(2) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1424A(b) (7 U.S.C. 3174a(b)), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''; and

(B) in section 1458(a)(10) (7 U.S.C. 3291(a)(10)), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(3) Section 522(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(2)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(4) Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended in each of paragraphs (1)(B) and (3)(A) by striking ''the Cooperative State Research, Education, and Extension Service'' each place it appears and inserting ''the National Institute of Food and Agriculture''.

(5) Section 306(a)(11)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(C)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(6) Section 704 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (7 U.S.C. 2209b), is amended by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(7) Section 7404(b)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; Public Law 107–171) is amended by striking clause (vi) and inserting the following:

''(vi) the National Institute of Food and Agriculture.''.

(8) Section 1499(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5506(c)) is amended by striking ''the Cooperative State Research Service'' and inserting ''the National Institute of Food and Agriculture''.

(9) Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) is amended—

(A) in subsection (a)(1), by striking ''the Cooperative State Research Service'' and inserting ''the National Institute of Food and Agriculture''; and

(B) in subsection (b)(1), by striking subparagraph (B) and inserting the following:

''(B) the National Institute of Food and Agriculture;''.

(10) Section 1668(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(b)) is amended by striking ''Cooperative State Research, Education, and Extension Service and the Agricultural Research Service'' and inserting ''the National Institute of Food and Agriculture''.

(11) Section 1670(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(a)(4)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(12) Section 537 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7446) is amended in each of subsections (a)(2) and (b)(3)(B)(i) by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(13) Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended—

(A) in the subsection heading, by striking ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE'' and inserting ''NATIONAL INSTITUTE OF FOOD AND AGRICULTURE''; and

(B) in each of paragraphs (1) and (2)(A), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(14) Section 401(f)(5) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(f)(5)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(15) Section 407(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627(c)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(16) Section 410(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(a)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(17) Section 307(g)(5) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 8606(g)(5)) is amended by striking ''Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(18) Section 6(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b(b)) is amended by striking ''the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials'' and inserting ''the National Institute of Food and Agriculture, may provide technical, financial and related assistance to State foresters, equivalent State officials, and Institute officials''.

(19) Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended in subsections (a)(2) and (b)(1)(B)(i), by striking ''Extension Service,'' each place it appears and inserting ''National Institute of Food and Agriculture,''.

(20) Section 105(a) of the Africa: Seeds of Hope Act of 1998 (22 U.S.C. 2293 note; Public Law 105–385) is amended by striking ''the Cooperative State Research, Education, and Extension Service (CSREES)'' and inserting ''the National Institute of Food and Agriculture''.

(21) Section 307(a)(4) of the National Aeronautic and Space Administration Authorization Act of 2005 (42 U.S.C. 16657(a)(4)) is amended by striking subparagraph (B) and inserting the following:

''(B) the program and structure of, peer review process of, management of conflicts of interest by, compensation of reviewers of, and the effects of compensation on reviewer efficiency and quality within, the National Institute of Food and Agriculture of the Department of Agriculture;''.

SEC. 7402. COORDINATION OF AGRICULTURAL RESEARCH SERVICE AND NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.

Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 308 (as added by section 7314) the following:

''SEC. 309. COORDINATION OF AGRICULTURAL RESEARCH SERVICE AND NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.

''(a) IN GENERAL.—The Undersecretary for Research, Education, and Economics shall coordinate the programs under the authority of the Administrator of the Agricultural Research Service and the Director of the National Institute of Food and Agriculture, and the staff of the Administrator and the Director, including national program leaders, shall meet on a regular basis to—

''(1) increase coordination and integration of research programs at the Agricultural Research Service and the research, extension, and education programs of the National Institute of Food and Agriculture;

''(2) coordinate responses to emerging issues;

''(3) minimize duplication of work and resources at the staff level of each agency;

''(4) use the extension and education program to deliver knowledge to stakeholders;

''(5) address critical needs facing agriculture; and

''(6) focus the research, extension, and education funding strategy of the Department.

''(b) REPORTS.—Not later than 270 days after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing efforts to increase coordination between the Agricultural Research Service and the National Institute for Food and Agriculture.

''(c) ROADMAP.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Under Secretary for Research, Education, and Economics shall—

''(A) prepare a roadmap for agricultural research, extension, and education that—

''(i) identifies major opportunities and gaps in agricultural research, extension, and education that no single entity in the Department would be able to carry out individually, but that is necessary to carry out agricultural research;

''(ii) involves—

''(I) stakeholders from across the Federal Government;

''(II) stakeholders from across the full array of nongovernmental entities; and

''(III) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123);

''(iii) incorporates roadmaps for agricultural research made publicly available by other Federal entities, agencies, or offices; and

''(iv) describes recommended funding levels for areas of agricultural research, extension, and education, including—

''(I) competitive programs; and

''(II) infrastructure programs, with attention to the future growth needs of small 1862 Institutions, 1890 Institutions, and 1994 Institutions (as those terms are defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), Hispanic-serving agricultural colleges (as defined in section 1456(a) of the National Agricultural Research, Extension and Teaching Policy Act of 1977), and any other public college or university that is not such an institution or college but that offers a baccalaureate or higher degree in the study of agriculture;

''(B) use the roadmap to set the research, extension, and education agenda of the Department; and

''(C) submit a description of the roadmap to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

''(2) IMPLEMENTATION.—The Secretary, acting through the Under Secretary, shall implement, to the maximum extent practicable, the roadmap.

''(3) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

Subtitle F—Miscellaneous

SEC. 7501. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

The Secretary and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this Act—

(1) to collect continuous data relating to diet, health, physical activity, and knowledge about diet and health, using a nationally-representative sample;

(2) to periodically collect data described in paragraph (1) on special at-risk populations, as identified by the Secretaries;

(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely manner;

(4) to analyze new data as the data becomes available;

(5) to continuously update food composition tables; and

(6) to research and develop data collection methods and standards.

SEC. 7502. DEMONSTRATION PROJECT AUTHORITY FOR TEMPORARY POSITIONS.

Notwithstanding section 4703(d)(1) of title 5, United States Code, the amendment to the personnel management demonstration project established in the Department of Agriculture (67 Fed. Reg. 70776 (2002)), shall become effective upon the date of enactment of this Act and shall remain in effect unless modified by law.

SEC. 7503. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary of Agriculture (referred to in this section as the ''Secretary'') shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements including requirements under—

(1) sections 1444(d) and 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d), 3222(c));

(2) section 7 of the Hatch Act of 1887 (7 U.S.C. 361g); and

(3) section 4 of the Smith-Lever Act (7 U.S.C. 344).

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the review conducted under subsection (a).

(2) INCLUSIONS.—The report shall include recommendations—

(A) to reduce the administrative burden and workload on institutions associated with plan of work compliance while meeting the reporting needs of the Department of Agriculture for input, output, and outcome indicators;

(B) to streamline the submission and reporting requirements of the plan of work so that the plan of work is of practical utility to both the Department of Agriculture and the institutions; and

(C) for any legislative changes necessary to carry out the plan of work improvements.

(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

SEC. 7504. STUDY AND REPORT ON ACCESS TO NUTRITIOUS FOODS.

(a) IN GENERAL.—The Secretary shall carry out a study of, and prepare a report on, areas in the United States with limited access to affordable and nutritious food, with a particular focus on predominantly lower-income neighborhoods and communities.

(b) CONTENTS.—The study and report shall—

(1) assess the incidence and prevalence of areas with limited access to affordable and nutritious food in the United States;

(2) identify—

(A) characteristics and factors causing and influencing those areas; and

(B) the effect on local populations of limited access to affordable and nutritious food; and

(3) develop recommendations for addressing the causes and influences of those areas through measures including—

(A) community and economic development initiatives;

(B) incentives for retail food market development, including supermarkets, small grocery stores, and farmers' markets; and

(C) improvements to Federal food assistance and nutrition education programs.

(c) COORDINATION WITH OTHER AGENCIES AND ORGANIZATIONS.—The Secretary shall conduct the study under this section in coordination and consultation with—

(1) the Secretary of Health and Human Services;

(2) the Administrator of the Small Business Administration;

(3) the Institute of Medicine; and

(4) representatives of appropriate businesses, academic institutions, and nonprofit and faith-based organizations.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report prepared under this section, including the findings and recommendations described in subsection (b), to—

(1) the Committee on Agriculture of the House of Representatives; and

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 8001. National priorities for private forest conservation.
Sec. 8002. Community forests working land program.
Sec. 8003. Federal, State, and local coordination and cooperation.
Sec. 8004. Comprehensive statewide forest planning.
Sec. 8005. Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Subtitle B—Tribal-Forest Service Cooperative Relations

Sec. 8101. Definitions.

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TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PRIORITIES.—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities:

''(1) Conserving and managing working forest landscapes for multiple values and uses.

''(2) Protecting forests from threats to forest and forest health, including unnaturally large wildfires, hurricanes, tornadoes, windstorms, snow or ice storms, flooding, drought, invasive species, insect or disease outbreak, or development, and restoring appropriate forest structures and ecological processes in response to such threats.

''(3) Enhancing public benefits from private forests, including air and water quality, forest products, forestry-related jobs, production of renewable energy, wildlife, enhanced biodiversity, the establishment or maintenance of wildlife corridors and wildlife habitat, and recreation.

''(d) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funding was used under this Act to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.''.

SEC. 8002. COMMUNITY FORESTS WORKING LAND PROGRAM.

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following:

''(m) COMMUNITY FORESTS WORKING LAND PROGRAM.—

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

''(A) COMMUNITY FOREST LAND.—The term 'community forest land' means a parcel of land that is—

''(i) forested; and

''(ii) located, as determined by the Secretary, within, or in close proximity to, a population center.

''(B) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means a town, city, or other unit of local government.

''(2) PURPOSES.—The purposes of the community forests working land program are—

''(A) to help protect environmentally important forest land near population centers, as determined by the Secretary;

''(B) to facilitate land use planning by units of local government; and

''(C) to facilitate the donations, acceptance, and enforcement of conservation easements on community forest land.

''(3) ESTABLISHMENT.—The Secretary, in cooperation with the States, shall offer financial and technical assistance to units of local government by providing, in priority areas (as defined by the Secretary)—

''(A) financial assistance to purchase conservation easements on, facilitate the donation, acceptance, and enforcement of conservation easements on, or otherwise acquire, community forest land; and

''(B) technical assistance to facilitate—

''(i) conservation of community forests;

''(ii) management of community forests;

''(iii) training related to forest management and forest conservation; and

''(iv) other forest conservation activities, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $65,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 8003. FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.

Section 19(b)(2)(D) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)(D)) is amended by inserting ''except for projects submitted by an Indian tribe,'' before ''make recommendations''.

SEC. 8004. COMPREHENSIVE STATEWIDE FOREST PLANNING.

The Cooperative Forestry Assistance Act of 1978 is amended—

(1) by redesignating section 20 (16 U.S.C. 2114) as section 22; and

(2) by inserting after section 19 (16 U.S.C. 2113) the following:

''SEC. 20. COMPREHENSIVE STATEWIDE FOREST PLANNING.

''(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive statewide forest planning program under which the Secretary shall provide financial and technical assistance to States for use in the development and implementation of statewide forest resource assessments and plans.

''(b) STATEWIDE FOREST RESOURCE ASSESSMENT AND PLAN.—For a State to be eligible to receive funds under this Act, not later than 2 years after the date of enactment of the Food and Energy Security Act of 2007, the State Forester of the State, or an equivalent State official, shall develop a statewide forest resource assessment and plan that, at a minimum—

''(1) identifies each critical forest resource area in the State described in section 2(c);

''(2) to the maximum extent practicable—

''(A) incorporates any forest management plan of the State in existence on the date of enactment of this section;

''(B) addresses the needs of the region, without regard to the borders of each State of the region (or the political subdivisions of each State of the region);

''(C) provides a comprehensive statewide plan (including the opportunity for public participation in the development of the statewide plan) for—

''(i) managing the forest land in the State;

''(ii) achieving the national priorities specified in section 2(c)(2);

''(iii) monitoring the forest land in the State; and

''(iv) administering any forestry-related Federal, State, or private grants awarded to the State under this section or any other provisions of law; and

''(D) includes a multiyear, integrated forest management strategy that provides a management framework for—

''(i) the administration of each applicable program of the State; and

''(ii) the use of any funds made available for the management of the forest land in the State; and

''(3) is determined by the Secretary to be sufficient to satisfy all relevant State planning and assessment requirements under this Act.

''(c) COORDINATION.—In developing the statewide assessment and plan under subsection (b), the State Forester or equivalent State official shall—

''(1) coordinate with—

''(A) the State Forest Stewardship Coordination Committee established for the State under section 19(b);

''(B) the State wildlife agency, with respect to strategies contained in the State wildlife action plans;

''(C) the State Technical Committee; and

''(D) applicable Federal land management agencies; and

''(2) for purposes of the Forest Legacy Program under section 7, work cooperatively with the State lead agency designated by the Governor.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.''.

SEC. 8005. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.

Section 13(d)(1) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking ''the Trust Territory of the Pacific Islands,'' and inserting ''the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,''.

Subtitle B—Tribal-Forest Service Cooperative Relations

SEC. 8101. DEFINITIONS.

In this subtitle:

(1) INDIAN.—The term ''Indian'' means an individual who is a member of an Indian tribe.

(2) INDIAN TRIBE.—The term ''Indian tribe''—

(A) for purposes of title I, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

(B) for purposes of title II, means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(3) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

PART I—COLLABORATION BETWEEN INDIAN TRIBES AND FOREST SERVICE

SEC. 8111. FOREST LEGACY PROGRAM.

(a) PARTICIPATION BY INDIAN TRIBES.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (a), in the first sentence, by inserting '', including Indian tribes,'' after ''government'';

(2) in subsection (b), by inserting ''or programs of Indian tribes'' after ''regional programs'';

(3) in subsection (f), in the second sentence, by striking ''other appropriate State or regional natural resource management agency'' and inserting ''other appropriate natural resource management agency of a State, region, or Indian tribe'';

(4) in subsection (h)(2), by inserting '', including an Indian tribe'' before the period at the end; and

(5) in subsection (j)(2), in the first sentence, by inserting ''including Indian tribes,'' after ''governmental units,''.

(b) OPTIONAL STATE AND TRIBAL GRANTS.—Section 7(*l*) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(*l*)) is amended—

(1) in the subsection heading, by inserting ''AND TRIBAL'' after ''STATE'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by striking paragraphs (1) and (2) and inserting the following:

''(1) DEFINITION OF INDIAN TRIBE.—In this subsection, 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).

''(2) GRANTS.—On request of a participating State or Indian tribe, the Secretary shall provide a grant to the State or Indian tribe to carry out the Forest Legacy Program in the State or with the Indian tribe.

''(3) ADMINISTRATION.—If a State or Indian tribe elects to receive a grant under this subsection—

''(A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide a grant to the State or Indian tribe; and

''(B) the State or Indian tribe shall use the grant to carry out the Forest Legacy Program in the State or with the Indian tribe, including through acquisition by the State or Indian tribe of land and interests in land.

''(4) EFFECT ON TRUST LAND.—

''(A) INELIGIBILITY.—The Secretary shall not provide a grant under this subsection for any project on land held in trust by the United States (including Indian reservations and allotment land).

''(B) ACQUIRED LAND.—No land acquired using a grant provided under this subsection shall be converted to land held in trust by the United States on behalf of any Indian tribe.''.

(c) CONFORMING AMENDMENTS.—Section 7(j)(1) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(j)(1)) is amended by striking the first sentence and inserting the following: ''Fair market value shall be paid for any property interest acquired (other than by donation) under this section.''.

SEC. 8112. FORESTRY AND RESOURCE MANAGEMENT ASSISTANCE FOR INDIAN TRIBES.

(a) DEFINITION OF ELIGIBLE INDIAN LAND.—In this section, the term ''eligible Indian land'' means, with respect to each participating Indian tribe—

(1) trust land located within the boundaries of the reservation of the Indian tribe;

(2) land owned in fee by the Indian tribe; and

(3) trust land located outside the boundaries of the reservation of the Indian tribe that is eligible for use for land programs of the Indian tribe.

(b) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary may provide financial, technical, educational, and related assistance to any Indian tribe for—

(1) tribal consultation and coordination with the Forest Service on issues relating to—

(A) access and use by members of the Indian tribe to National Forest System land and resources for traditional, religious, and cultural purposes;

(B) coordinated or cooperative management of resources shared by the Forest Service and the Indian tribe; or

(C) the provision of tribal traditional, cultural, or other expertise or knowledge;

(2) projects and activities for conservation education and awareness with respect to forest land or grassland that is eligible Indian land; and

(3) technical assistance for forest resources planning, management, and conservation on eligible Indian land.

(c) REQUIREMENTS.—

(1) IN GENERAL.—During any fiscal year, an Indian tribe may participate in only 1 approved activity that receives assistance under—

(A) subsection (b)(3); or

(B) the forest stewardship program under section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a).

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations to implement subsection (b), including rules for determining the distribution of assistance under that subsection.

(2) CONSULTATION.—In developing regulations pursuant to paragraph (1), the Secretary shall conduct full, open, and substantive consultation with Indian tribal governments and other representatives of Indian tribes.

(e) COORDINATION WITH SECRETARY OF INTERIOR.—In carrying out this section, the Secretary shall coordinate with the Secretary of the Interior to ensure that activities under subsection (b)—

(1) do not conflict with Indian tribal programs provided by the Department of the Interior; and

(2) achieve the goals established by the affected Indian tribes.

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

PART II—CULTURAL AND HERITAGE COOPERATION AUTHORITY

SEC. 8121. PURPOSES.

The purposes of this part are—

(1) to authorize the reburial of human remains and cultural items, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), on National Forest System land;

(2) to prevent the unauthorized disclosure of information regarding reburial sites, including—

(A) the quantity and identity of human remains and cultural items on the sites; and

(B) the location of the sites;

(3) to authorize the Secretary to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes;

(4) to authorize the Secretary to provide forest products free of charge to Indian tribes for traditional and cultural purposes;

(5) to authorize the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes;

(6) to increase the availability of Forest Service programs and resources to Indian tribes in support of the policy of the United States to promote tribal sovereignty and self-determination; and

(7) to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996).

SEC. 8122. DEFINITIONS.

In this part:

(1) ADJACENT SITE.—The term ''adjacent site'' means a site that borders a boundary line of National Forest system land.

(2) CULTURAL ITEMS.—

(A) IN GENERAL.—The term ''cultural items'' has the meaning given the term in

section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(B) EXCEPTION.—The term ''cultural items'' does not include human remains.

(3) HUMAN REMAINS.—The term ''human remains'' means the physical remains of the body of a person of Indian ancestry.

(4) LINEAL DESCENDANT.—The term ''lineal descendant'' means an individual that can trace, directly and without interruption, the ancestry of the individual through the traditional kinship system of an Indian tribe, or through the common law system of descent, to a known Indian, the human remains, funerary objects, or other sacred objects of whom are claimed by the individual.

(5) REBURIAL SITE.—The term ''reburial site'' means a discrete physical location at which cultural items or human remains are reburied.

(6) TRADITIONAL AND CULTURAL PURPOSE.—The term ''traditional and cultural purpose'', with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.

SEC. 8123. REBURIAL OF HUMAN REMAINS AND CULTURAL ITEMS.

(a) REBURIAL SITES.—In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.

(b) REBURIAL.—With the consent of the affected Indian tribe or lineal descendent, the Secretary may recover and rebury, at Federal expense or using other available funds, human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

(c) AUTHORIZATION OF USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may authorize such uses on reburial sites or adjacent sites as the Secretary determines to be necessary for management of the National Forest System.

(2) AVOIDANCE OF ADVERSE IMPACTS.—In carrying out paragraph (1), the Secretary shall avoid adverse impacts to cultural items and human remains, to the maximum extent practicable.

SEC. 8124. TEMPORARY CLOSURE FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) RECOGNITION OF HISTORIC USE.—The Secretary shall, to the maximum extent practicable, ensure access to National Forest System land by Indians for traditional and cultural purposes, in accordance with subsection (b), in recognition of the historic use by Indians of National Forest System land.

(b) CLOSING LAND FROM PUBLIC ACCESS.—

(1) IN GENERAL.—On receipt of a request from an Indian tribe, the Secretary may temporarily close from public access specifically designated National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes.

(2) LIMITATION.—A closure of National Forest System land under paragraph (1) shall affect the smallest practicable area for the minimum period necessary for activities of the applicable Indian tribe.

(3) CONSISTENCY.—Access by Indian tribes to National Forest System land under this subsection shall be consistent with the purposes of Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996).

SEC. 8125. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) IN GENERAL.—Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.

(b) PROHIBITION.—Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.

SEC. 8126. PROHIBITION ON DISCLOSURE.

(a) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), any information relating to—

(A) subject to subsection (b)(1), human remains or cultural items reburied on National Forest System land under section 8123; or

(B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—

(i) have a traditional and cultural purpose; and

(ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.

(2) LIMITATIONS ON DISCLOSURE.—Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), concerning the identity, use, or specific location in the National Forest System of—

(A) a site or resource used for traditional and cultural purposes by an Indian tribe; or

(B) any cultural items not covered under section 8123.

(b) LIMITED RELEASE OF INFORMATION.—

(1) REBURIAL.—The Secretary may disclose information described in subsection (a)(1)(A) if, before the disclosure, the Secretary—

(A) consults with an affected Indian tribe or lineal descendent;

(B) determines that disclosure of the information—

(i) would advance the purposes of this part; and

(ii) is necessary to protect the human remains or cultural items from harm, theft, or destruction; and

(C) attempts to mitigate any adverse impacts identified by an Indian tribe or lineal descendant that reasonably could be expected to result from disclosure of the information.

(2) OTHER INFORMATION.—The Secretary may disclose information described under paragraph (1)(B) or (2) of subsection if the Secretary determines that disclosure of the information to the public—

(A) would advance the purposes of this part;

(B) would not create an unreasonable risk of harm, theft, or destruction of the resource, site, or object, including individual organic or inorganic specimens; and

(C) would be consistent with other applicable laws.

SEC. 8127. SEVERABILITY AND SAVINGS PROVISIONS.

(a) SEVERABILITY.—If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this part shall not be affected thereby.

(b) SAVINGS.—Nothing in this part—

(1) diminishes or expands the trust responsibility of the United States to Indian tribes, or any legal obligation or remedy resulting from that responsibility;

(2) alters, abridges, repeals, or affects any valid agreement between the Forest Service and an Indian tribe;

(3) alters, abridges, diminishes, repeals, or affects any reserved or other right of an Indian tribe; or

(4) alters, abridges, diminishes, repeals, or affects any other valid existing right relating to National Forest System land or other public land.

Subtitle C—Amendments to Other Laws

SEC. 8201. RENEWABLE RESOURCES EXTENSION ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking ''2007'' and inserting ''2012''.

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking ''2007'' and inserting ''2012''.

TITLE IX—ENERGY

SEC. 9001. ENERGY.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended to read as follows:

''TITLE IX—ENERGY

''SEC. 9001. DEFINITIONS.

''Except as otherwise provided, in this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 9008(d)(1).

''(3) ADVANCED BIOFUEL.—

''(A) IN GENERAL.—The term 'advanced biofuel' means fuel derived from renewable biomass other than corn starch.

''(B) INCLUSIONS.—The term 'advanced biofuel' includes—

''(i) biofuel derived from cellulose, hemicellulose, or lignin;

''(ii) biofuel derived from sugar and starch (other than ethanol derived from corn starch);

''(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;

''(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

''(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

''(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

''(vii) other fuel derived from cellulosic biomass.

''(4) BIOBASED PRODUCT.—The term 'biobased product' means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

''(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

''(B) an intermediate ingredient or feedstock.

''(5) BIOFUEL.—The term 'biofuel' means a fuel derived from renewable biomass.

''(6) BIOMASS CONVERSION FACILITY.—The term 'biomass conversion facility' means a facility that converts or proposes to convert renewable biomass into—

''(A) heat;

''(B) power;

''(C) biobased products; or

''(D) advanced biofuels.

''(7) BIOREFINERY.—The term 'biorefinery' means equipment and processes that—

''(A) convert renewable biomass into biofuels and biobased products; and

''(B) may produce electricity.

''(8) BOARD.—The term 'Board' means the Biomass Research and Development Board established by section 9008(c).

''(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(10) 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)).

''(11) INTERMEDIATE INGREDIENT OR FEEDSTOCK.—The term 'intermediate ingredient or feedstock' means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex compound or product.

''(12) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(A) materials, pre-commercial thinnings, or removed exotic species that—

''(i) are byproducts of preventive treatments (such as trees, wood, brush, thinnings, chips, and slash), that are removed—

''(I) to reduce hazardous fuels;

''(II) to reduce or contain disease or insect infestation; or

''(III) to restore ecosystem health;

''(ii) would not otherwise be used for higher-value products; and

''(iii) are harvested from National Forest System land or public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), in accordance with—

''(I) Federal and State law;

''(II) applicable land management plans; and

''(III) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512) and the requirements for large-tree retention of subsection (f) of that section; or

''(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(i) renewable plant material, including—

''(I) feed grains;

''(II) other agricultural commodities;

''(III) other plants and trees; and

''(IV) algae; and

''(ii) waste material, including—

''(I) crop residue;

''(II) other vegetative waste material (including wood waste and wood residues);

''(III) animal waste and byproducts (including fats, oils, greases, and manure);

''(IV) construction waste; and

''(V) food waste and yard waste.

''(13) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from—

''(A) a wind, solar, renewable biomass, ocean (including tidal, wave, current, and thermal), geothermal, or hydroelectric source; or

''(B) hydrogen derived from renewable biomass or water using an energy source described in subparagraph (A).

''(14) RURAL AREA.—Except as otherwise provided in this title, the term 'rural area' has the meaning given the term in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)).

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''SEC. 9002. BIOBASED MARKETS PROGRAM.

''(a) FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.—

''(1) DEFINITION OF PROCURING AGENCY.—In this subsection, the term 'procuring agency' means—

''(A) any Federal agency that is using Federal funds for procurement; or

''(B) a person that is a party to a contract with any Federal agency, with respect to work performed under such a contract.

''(2) APPLICATION OF SECTION.—Except as provided in paragraph (3), each procuring agency shall comply with this subsection (including any regulations issued under this subsection), with respect to any purchase or acquisition of a procurement item for which—

''(A) the purchase price of the item exceeds $10,000; or

''(B) the quantity of the items or of functionally-equivalent items purchased or acquired during the preceding fiscal year was at least $10,000.

''(3) PROCUREMENT PREFERENCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), after the date specified in applicable guidelines prepared pursuant to paragraph (5), each procuring agency that procures any items designated in the guidelines and items containing designated biobased intermediate ingredients and feedstocks shall, in making procurement decisions (consistent with maintaining a satisfactory level of competition, considering the guidelines), give preference to items that—

''(i) are composed of the highest percentage of biobased products practicable;

''(ii) are composed of at least 5 percent of intermediate ingredients and feedstocks (or a lesser percentage that the Secretary determines to be appropriate) as designated by the Secretary; or

''(iii) comply with the regulations issued under section 103 of Public Law 100–556 (42 U.S.C. 6914b–1).

''(B) FLEXIBILITY.—Notwithstanding subparagraph (A), a procuring agency may decide not to procure items described in that subparagraph if the procuring agency determines that the items—

''(i) are not reasonably available within a reasonable period of time;

''(ii) fail to meet—

''(I) the performance standards set forth in the applicable specifications; or

''(II) the reasonable performance standards of the procuring agencies; or

''(iii) are available only at an unreasonable price.

''(C) CERTIFICATION.—After the date specified in any applicable guidelines prepared pursuant to paragraph (5), contracting offices shall require that, with respect to biobased products, vendors certify that the biobased products to be used in the performance of the contract will comply with the applicable specifications or other contractual requirements.

''(4) SPECIFICATIONS.—Each Federal agency that has the responsibility for drafting or reviewing procurement specifications shall, not later than 1 year after the date of publication of applicable guidelines under paragraph (5), or as otherwise specified in the guidelines, ensure that the specifications require the use of biobased products consistent with this subsection.

''(5) GUIDELINES.—

''(A) IN GENERAL.—The Secretary, after consultation with the Administrator, the Administrator of General Services, and the Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), shall prepare, and from time to time revise, guidelines for the use of procuring agencies in complying with the requirements of this subsection.

''(B) REQUIREMENTS.—The guidelines under this paragraph shall—

''(i) designate those items that are or can be produced with biobased products (including biobased products for which there is only a single product or manufacturer in the category) and the procurement of which by procuring agencies will carry out the objectives of this subsection;

''(ii) designate those intermediate ingredients and feedstocks and finished products that contain significant portions of biobased materials or components the procurement of which by procuring agencies will carry out the objectives of this subsection;

''(iii) set forth recommended practices with respect to the procurement of biobased products and items containing such materials and with respect to certification by vendors of the percentage of biobased products used;

''(iv) provide information as to the availability, relative price, performance, and environmental and public health benefits, of such materials and items; and

''(v) automatically designate those items that are composed of materials and items designated pursuant to paragraph (3), if the content of the final product exceeds 50 percent (unless the Secretary determines a different composition percentage).

''(C) INFORMATION PROVIDED.—Information provided pursuant to subparagraph (B)(iv) with respect to a material or item shall be considered to be provided for another item made with the same material or item.

''(D) PROHIBITION.—Guidelines issued under this paragraph may not require a manufacturer or vendor of biobased products, as a condition of the purchase of biobased products from the manufacturer or vendor, to provide to procuring agencies more data than would be required to be provided by other manufacturers or vendors offering products for sale to a procuring agency, other than data confirming the biobased content of a product.

''(E) STATE PROCUREMENT.—Not later than 180 days after the date of enactment of this section, the Secretary shall offer procurement system models that States may use for the procurement of biobased products by the States.

''(6) ADMINISTRATION.—

''(A) OFFICE OF FEDERAL PROCUREMENT POLICY.—The Office of Federal Procurement Policy, in cooperation with the Secretary, shall—

''(i) coordinate the implementation of this subsection with other policies for Federal procurement;

''(ii) annually collect the information required to be reported under subparagraph (B) and make the information publicly available;

''(iii) take a leading role in conducting proactive research to inform and promote the adoption of and compliance with procurement requirements for biobased products by Federal agencies; and

''(iv) not less than once every 2 years, submit to Congress a report that—

''(I) describes the progress made in carrying out this subsection, including agency compliance with paragraph (4); and

''(II) contains a summary of the information reported pursuant to subparagraph (B).

''(B) OTHER AGENCIES.—To assist the Office of Federal Procurement Policy in carrying out subparagraph (A)—

''(i) each procuring agency shall submit each year to the Office of Federal Procurement Policy, to the maximum extent practicable, information concerning—

''(I) actions taken to implement paragraphs (3), (4), and (7);

''(II) the results of the annual review and monitoring program established under paragraph (7)(B)(iii);

''(III) the number and dollar value of contracts entered into during the year that include the direct procurement of biobased products;

''(IV) the number of service and construction (including renovations and modernizations) contracts entered into during the year that include language on the use of biobased products; and

''(V) the types and dollar value of biobased products actually used by contractors in carrying out service and construction (including renovations and modernizations) contracts during the previous year; and

''(ii) the General Services Administration and the Defense Logistics Agency shall submit each year to the Office of Federal Procurement Policy, to the maximum extent practicable, information concerning the types and dollar value of biobased products purchased by procuring agencies through GSA Advantage!, the Federal Supply Schedule, and the Defense Logistic Agency (including the DoD EMall).

''(7) PROCUREMENT PROGRAM.—

''(A) IN GENERAL.—Not later than 1 year after the date of publication of applicable guidelines under paragraph (5), each Federal agency shall develop a procurement program that—

''(i) will ensure that items composed of biobased products will be purchased to the maximum extent practicable; and

''(ii) is consistent with applicable provisions of Federal procurement law.

''(B) MINIMUM REQUIREMENTS.—Each procurement program required under this paragraph shall, at a minimum, contain—

''(i) a biobased products preference program;

''(ii) an agency promotion program to promote the preference program adopted under clause (i); and

''(iii) annual review and monitoring of the effectiveness of the procurement program of the agency.

''(C) CONSIDERATION.—

''(i) IN GENERAL.—In developing a preference program, an agency shall—

''(I) consider the options described in clauses (ii) and (iii); and

''(II) adopt 1 of the options, or a substantially equivalent alternative, for inclusion in the procurement program.

''(ii) CASE-BY-CASE POLICY DEVELOPMENT.—

''(I) IN GENERAL.—Subject to paragraph (3)(B), except as provided in subclause (II), in developing a preference program, an agency shall consider a policy of awarding contracts to the vendor offering an item composed of the highest percentage of biobased products practicable.

''(II) CERTAIN CONTRACTS ALLOWED.—Subject to paragraph (3)(B), an agency may make an award to a vendor offering items with less than the maximum biobased products content.

''(iii) MINIMUM CONTENT STANDARDS.—In developing a preference program, an agency shall consider minimum biobased products content specifications that are established in a manner that ensures that the biobased products content required is consistent with this subsection, without violating paragraph (3)(B).

''(b) LABELING.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator, shall establish a voluntary program under which the Secretary authorizes producers of biobased products to use the label 'USDA Certified Biobased Product'.

''(2) ELIGIBILITY CRITERIA.—

''(A) CRITERIA.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, except as provided in clause (ii), the Secretary, in consultation with the Administrator and representatives from small and large businesses, academia, other Federal agencies, and such other persons as the Secretary considers appropriate, shall issue criteria (as of the date of enactment of this section) for determining which products may qualify to receive the label under paragraph (1).

''(ii) EXCEPTION.—Clause (i) shall not apply to final criteria that have been issued (as of the date of enactment of this section) by the Secretary.

''(B) REQUIREMENTS.—Criteria issued under subparagraph (A)—

''(i) shall encourage the purchase of products with the maximum biobased content;

''(ii) shall provide that the Secretary may designate as biobased for the purposes of the voluntary program established under this subsection finished products that contain significant portions of biobased materials or components; and

''(iii) to the maximum extent practicable, should be consistent with the guidelines issued under subsection (a)(5).

''(3) USE OF LABEL.—The Secretary shall ensure that the label referred to in paragraph (1) is used only on products that meet the criteria issued pursuant to paragraph (2).

''(4) RECOGNITION.—The Secretary shall—

''(A) establish a voluntary program to recognize Federal agencies and private entities that use a substantial amount of biobased products; and

''(B) encourage Federal agencies to establish incentives programs to recognize Federal employees or contractors that make exceptional contributions to the expanded use of biobased products.

''(c) LIMITATION.—Nothing in this section (other than subsections (f), (g), and (h)) shall apply to the procurement of motor vehicle fuels, heating oil, or electricity.

''(d) INCLUSION.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Food and Energy Security Act of 2007, the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall establish procedures that apply the requirements of this section to procurement for the Capitol Complex.

''(2) ANNUAL SHOWCASE.—Beginning in calendar year 2008, the Secretary shall sponsor or otherwise support, consistent with applicable Federal laws (including regulations), an annual exposition at which entities may display and demonstrate biobased products.

''(e) TESTING OF BIOBASED PRODUCTS.—

''(1) IN GENERAL.—The Secretary may establish 1 or more national testing centers for biobased products to verify performance standards, biobased contents, and other product characteristics.

''(2) REQUIREMENT.—In establishing 1 or more national testing centers under paragraph (1), the Secretary shall give preference to entities that have established capabilities and experience in the testing of biobased materials and products.

''(f) BIOENERGY AND OTHER BIOBASED PRODUCTS EDUCATION AND AWARENESS CAMPAIGN.—

''(1) IN GENERAL.—The Secretary in consultation with the Secretary of Energy, shall establish a program to make competitive grants to eligible entities to carry out broad-based education and public awareness campaigns relating to bioenergy (including biofuels but excluding biodiesel) and other biobased products.

''(2) ELIGIBLE ENTITIES.—An entity eligible to receive a grant described in paragraph (1) is an entity that has demonstrated a knowledge of bioenergy (including biofuels but excluding biodiesel) and other biobased products and is—

''(A) a State energy or agricultural office;

''(B) a regional, State-based, or tribal energy organization;

''(C) a land-grant college or university (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) or other institution of higher education;

''(D) a rural electric cooperative or utility;

''(E) a nonprofit organization, including an agricultural trade association, resource conservation and development district, and energy service provider;

''(F) a State environmental quality office; or

''(G) any other similar entity, other than a Federal agency or for-profit entity, as determined by the Secretary.

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section and each year thereafter, the Secretary shall submit to Congress a report on the implementation of this section.

''(2) CONTENTS.—The report shall include—

''(A) a comprehensive management plan that establishes tasks, milestones, and timelines, organizational roles and responsibilities, and funding allocations for fully implementing this section; and

''(B) information on the status of implementation of—

''(i) item designations (including designation of intermediate ingredients and feedstocks); and

''(ii) the voluntary labeling program established under subsection (b).

''(h) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable, $3,000,000 for each of fiscal years 2008 through 2012—

''(A) to continue mandatory funding for biobased products testing as required to carry out this section; and

''(B) to carry out the bioenergy education and awareness campaign under subsection (f).

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to carry out this section, there are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

''(3) PRIORITY.—At the discretion of the Secretary, the Secretary may give priority to the testing of products for which private sector firms provide cost sharing for the testing.

''SEC. 9003. BIODIESEL FUEL EDUCATION.

''(a) PURPOSE.—The purpose of this section is to educate potential users about the proper use and benefits of biodiesel.

''(b) ESTABLISHMENT.—The Secretary shall, under such terms and conditions as are appropriate, make grants to eligible entities to educate governmental and private entities that operate vehicle fleets, oil refiners, automotive companies, owners and operators of watercraft fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

''(c) ELIGIBLE ENTITIES.—To receive a grant under subsection (b), an entity shall—

''(1) be a nonprofit organization or institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

''(2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and

''(3) have demonstrated the ability to conduct educational and technical support programs.

''(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to the maximum extent practicable, $2,000,000 for each of fiscal years 2008 through 2012.

''SEC. 9004. BIOMASS CROP TRANSITION.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE CROP.—The term 'eligible crop' means a crop of renewable biomass.

''(2) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means an agricultural producer or forest land owner—

''(A) that is establishing 1 or more eligible crops on private land to be used in the production of advanced biofuels, other biobased products, heat, or power from a biomass conversion facility;

''(B) that has a financial commitment from a biomass conversion facility, including a proposed biomass conversion facility that is economically viable, as determined by the Secretary, to purchase the eligible crops; and

''(C) the production operation of which is in such proximity to the biomass conversion facility described in subparagraph (B) as to make delivery of the eligible crops to that location economically practicable.

''(b) BIOMASS CROP TRANSITION ASSISTANCE.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide transitional assistance for the establishment and production of eligible crops to be used in the production of advanced biofuels, other biobased products, heat, or power from a biomass conversion facility.

''(2) EXCLUSION.—An agricultural producer shall not be eligible for assistance under paragraph (1) for the establishment and production of—

''(A) any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007; or

''(B) an annual crop.

''(3) CONTRACTS.—

''(A) IN GENERAL.—The Secretary shall enter into contracts with eligible participants and entities described in subparagraph (B) to provide transitional assistance payments to eligible participants.

''(B) CONTRACTS WITH MEMBER ENTITIES.—The Secretary may enter into 1 or more contracts with farmer-owned cooperatives, agricultural trade associations, or other similar entities on behalf of producer members that meet the requirements of, and elect to be treated as, eligible participants if the contract would offer greater efficiency in administration of the program.

''(C) REQUIREMENTS.—Under a contract described in subparagraph (A), an eligible participant shall be required, as determined by the Secretary—

''(i) to produce 1 or more eligible crops;

''(ii) to develop and actively apply a conservation plan that meets the requirements for highly erodible land conservation and wetlands conservation as established under subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

''(iii) to use such conservation practices as are necessary, where appropriate—

''(I) to advance the goals and objectives of State, regional, and national fish and wildlife conservation plans and initiatives; and

''(II) to comply with mandatory environmental requirements for a producer under Federal, State, and local law.

''(4) PAYMENTS.—

''(A) FIRST YEAR.—During the first year of the contract, the Secretary shall make a payment to an eligible participant in an amount that covers the cost of establishing 1 or more eligible crops.

''(B) SUBSEQUENT YEARS.—During any subsequent year of the contract, the Secretary shall make incentive payments to an eligible participant in an amount determined by the Secretary to encourage the eligible participant to produce renewable biomass.

''(c) ASSISTANCE FOR PRODUCTION OF ANNUAL CROP OF RENEWABLE BIOMASS.—

''(1) IN GENERAL.—The Secretary may provide assistance to eligible participants to plant an annual crop of renewable biomass for use in a biomass conversion facility in the form of—

''(A) technical assistance; and

''(B) cost-share assistance for the cost of establishing an annual crop of renewable biomass.

''(2) EXCLUSION.—An agricultural producer shall not be eligible for assistance under paragraph (1) for the establishment of any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007.

''(3) COMPLIANCE.—Eligible participants receiving assistance under paragraph (1)(B) shall develop and actively apply a conservation plan that meets the requirements for highly erodible land conservation and wetlands conservation as established under subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).

''(d) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORT OF RENEWABLE BIOMASS.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide assistance to eligible participants for collecting, harvesting, storing, and transporting eligible crops to be used in the production of advanced biofuels, biobased products, heat, or power from a biomass conversion facility.

''(2) PAYMENTS.—

''(A) IN GENERAL.—An eligible participant shall receive payments under this subsection for each ton of eligible crop delivered to a biomass conversion facility, based on a fixed rate to be established by the Secretary in accordance with subparagraph (B).

''(B) FIXED RATE.—The Secretary shall establish a fixed payment rate for purposes of subparagraph (A) to reflect—

''(i) the estimated cost of collecting, harvesting, storing, and transporting the applicable eligible crop; and

''(ii) such other factors as the Secretary determines to be appropriate.

''(e) BEST PRACTICES.—

''(1) RECORDKEEPING.—Each eligible participant, and each biomass conversion facility contracting with the eligible participant, shall maintain and make available to the Secretary, at such times as the Secretary may request, appropriate records of methods used for activities for which payment is received under this section.

''(2) INFORMATION SHARING.—From the records maintained under subparagraph (A), the Secretary shall maintain, and make available to the public, information regarding—

''(A) the production potential (including evaluation of the environmental benefits) of a variety of eligible crops; and

''(B) best practices for producing, collecting, harvesting, storing, and transporting eligible crops to be used in the production of advanced biofuels.

''(f) FUNDING.—

''(1) BIOMASS CROP TRANSITION ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsections (b) and (c) $130,000,000 for fiscal year 2008, to remain available until expended.

''(2) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORT OF RENEWABLE BIOMASS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out subsection (d) $10,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

''SEC. 9005. BIOREFINERY AND REPOWERING ASSISTANCE.

''(a) PURPOSE.—The purpose of this section is to assist in the development of new or emerging technologies for the use of renewable biomass or other sources of renewable energy—

''(1) to develop advanced biofuels;

''(2) to increase the energy independence of the United States by promoting the replacement of energy generated from fossil fuels with energy generated from a renewable energy source;

''(3) to promote resource conservation, public health, and the environment;

''(4) to diversify markets for raw agricultural and forestry products, and agriculture waste material; and

''(5) to create jobs and enhance the economic development of the rural economy.

''(b) DEFINITION OF REPOWER.—In this section, the term 'repower' means to substitute the production of heat or power from a fossil fuel source with heat or power from sources of renewable energy.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make available to eligible entities described in subsection (d)—

''(A) grants to assist in paying the costs of—

''(i) development and construction of pilot- and demonstration-scale biorefineries intended to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels;

''(ii) repowering a biomass conversion facility, power plant, or manufacturing facility, in whole or in part; or

''(iii) conducting a study to determine the feasibility of repowering a biomass conversion facility, power plant, or manufacturing facility, in whole or in part; and

''(B) guarantees for loans made to fund—

''(i) the development and construction of commercial-scale biorefineries; or

''(ii) the repowering of a biomass conversion facility, power plant, or manufacturing facility, in whole or in part.

''(2) PREFERENCE.—In selecting projects to receive grants and loan guarantees under this section, the Secretary shall give preference to projects that receive or will receive financial support from the State in which the project is carried out.

''(d) ELIGIBLE ENTITIES.—An eligible entity under this section is—

''(1) an individual;

''(2) a corporation;

''(3) a farm cooperative;

''(4) a rural electric cooperative or public power entity;

''(5) an association of agricultural producers;

''(6) a State or local energy agency or office;

''(7) an Indian tribe;

''(8) a consortium comprised of any individuals or entities described in any of paragraphs (1) through (7); or

''(9) any other similar entity, as determined by the Secretary.

''(e) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants under subsection (c)(1)(A) on a competitive basis.

''(2) SELECTION CRITERIA.—

''(A) GRANTS FOR DEVELOPMENT AND CONSTRUCTION OF PILOT AND DEMONSTRATION SCALE BIOREFINERIES.—

''(i) IN GENERAL.—In awarding grants for development and construction of pilot and demonstration scale biorefineries under subsection (c)(1)(A)(i), the Secretary shall select projects based on the likelihood that the projects will demonstrate the commercial viability of a new or emerging process for converting renewable biomass into advanced biofuels.

''(ii) FACTORS.—The factors to be considered under clause (i) may include—

''(I) the potential market for 1 or more products;

''(II) the level of financial participation by the applicants;

''(III) the availability of adequate funding from other sources;

''(IV) the participation of producer associations and cooperatives;

''(V) the beneficial impact on resource conservation, public health, and the environment;

''(VI) the timeframe in which the project will be operational;

''(VII) the potential for rural economic development;

''(VIII) the participation of multiple eligible entities; and

''(IX) the potential for developing advanced industrial biotechnology approaches.

''(B) GRANTS FOR REPOWERING.—In selecting projects to receive grants for repowering under clauses (ii) and (iii) of subsection (c)(1)(A), the Secretary shall consider—

''(i) the change in energy efficiency that would result from the proposed repowering of the eligible entity;

''(ii) the reduction in fossil fuel use that would result from the proposed repowering; and

''(iii) the volume of renewable biomass located in such proximity to the eligible entity as to make local sourcing of feedstock economically practicable.

''(3) COST SHARING.—

''(A) LIMITS.—

''(i) DEVELOPMENT AND CONSTRUCTION OF PILOT AND DEMONSTRATION SCALE BIOREFINERIES.—The amount of a grant awarded for development and construction of a biorefinery under subsection (c)(1)(A)(i) shall not exceed 50 percent of the cost of the project.

''(ii) REPOWERING.—The amount of a grant awarded for repowering under subsection (c)(1)(A)(ii) shall not exceed 20 percent of the cost of the project.

''(iii) FEASIBILITY STUDY FOR REPOWERING.—The amount of a grant awarded for a feasibility study for repowering under subsection (c)(1)(A)(iii) shall not exceed an amount equal to the lesser of—

''(I) an amount equal to 50 percent of the total cost of conducting the feasibility study; and

''(II) $150,000.

''(B) FORM OF GRANTEE SHARE.—

''(i) IN GENERAL.—The grantee share of the cost of a project may be made in the form of cash or the provision of services, material, or other in-kind contributions.

''(ii) LIMITATION.—The amount of the grantee share of the cost of a project that is made in the form of the provision of services, material, or other in-kind contributions shall not exceed 15 percent of the amount of the grantee share determined under subparagraph (A).

''(f) LOAN GUARANTEES.—

''(1) CONDITIONS.—As a condition of making a loan guarantee under subsection (c)(1)(B), the Secretary shall require—

''(A) demonstration of binding commitments to cover, from sources other than Federal funds, at least 20 percent of the total cost of the project described in the application;

''(B) in the case of a new or emerging technology, demonstration that the project design has been validated through a technical review and subsequent operation of a pilot or demonstration scale facility that can be scaled up to commercial size; and

''(C) demonstration that the applicant provided opportunities to local investors (as determined by the Secretary) to participate in the financing or ownership of the biorefinery.

''(2) LOCAL OWNERSHIP.—The Secretary shall give preference under subsection (c)(1)(B) to applications for projects with significant local ownership.

''(3) APPROVAL.—Not later than 90 days after the Secretary receives an application for a loan guarantee under subsection (c)(1)(B), the Secretary shall approve or disapprove the application.

''(4) LIMITATIONS.—

''(A) MAXIMUM AMOUNT OF LOAN GUARANTEED.—

''(i) COMMERCIAL-SCALE BIOREFINERIES.—Subject to clause (iii), the principal amount of a loan guaranteed under subsection (c)(1)(B)(i) may not exceed $250,000,000.

''(ii) REPOWERING.—Subject to clause (iii), the principal amount of a loan guaranteed under subsection (c)(1)(B)(ii) may not exceed $70,000,000.

''(iii) RELATIONSHIP TO OTHER FEDERAL FUNDING.—The amount of a loan guaranteed under subsection (c)(1)(B) shall be reduced by the amount of other Federal funding that the entity receives for the same project.

''(B) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—A loan guaranteed under subsection (c)(1)(B) shall be in an amount not to exceed 80 percent of the project costs, as determined by the Secretary.

''(C) AUTHORITY TO GUARANTEE ENTIRE AMOUNT OF THE LOAN.—The Secretary may guarantee up to 100 percent of the principal and interest due on a loan guaranteed under subsection (c)(1)(B).

''(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

''(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of grants and loan guarantees to carry out this section $360,000,000 for fiscal year 2008, to remain available until expended.

''SEC. 9006. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

''(a) DEFINITION OF ELIGIBLE PRODUCER.—In this section, the term 'eligible producer' means a producer of advanced biofuels.

''(b) PAYMENTS.—The Secretary shall make payments to eligible producers to encourage increased purchases of renewable biomass for the purpose of expanding production of, and supporting new production capacity for, advanced biofuels.

''(c) CONTRACTS.—To receive a payment, an eligible producer shall—

''(1) enter into a contract with the Secretary to increase production of advanced biofuels for 1 or more fiscal years; and

''(2) submit to the Secretary such records as the Secretary may require as evidence of increased purchase and use of renewable biomass for the production of advanced biofuels.

''(d) BASIS FOR PAYMENTS.—The Secretary shall make payments under this section to eligible producers based on—

''(1) the level of production by the eligible producer of an advanced biofuel;

''(2) the price of each renewable biomass feedstock used for production of the advanced biofuel;

''(3) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and

''(4) other appropriate factors, as determined by the Secretary.

''(e) OVERPAYMENTS.—If the total amount of payments that an eligible producer receives for a fiscal year under this section exceeds the amount that the eligible producer should have received, the eligible producer shall repay the amount of the overpayment to the Secretary, with interest (as determined by the Secretary).

''(f) LIMITATIONS.—

''(1) EQUITABLE DISTRIBUTION.—The Secretary may limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

''(2) INELIGIBILITY.—An eligible producer that claims a credit allowed under section 40(a)(3), 40(a)(4), or 40A(a)(3) of the Internal Revenue Code of 1986 shall not be eligible to receive payments under subsection (d).

''(3) REFINING CAPACITY.—An eligible producer may not use any funds received under this section for an advanced biofuel production facility or other fuel refinery the total refining capacity of which is more than 150,000,000 gallons per year.

''(g) OTHER REQUIREMENTS.—To receive a payment under this section, an eligible producer shall meet any other requirements of Federal and State law (including regulations) applicable to the production of advanced biofuels.

''(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $245,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

''SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers, cooperatives, rural small businesses, and other similar entities through—

''(1) grants for energy audits and renewable energy development assistance;

''(2) financial assistance for energy efficiency improvements and renewable energy systems; and

''(3) financial assistance for facilities to convert animal manure to energy.

''(b) ENERGY AUDITS AND RENEWABLE ENERGY DEVELOPMENT ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

''(A) to become more energy efficient; and

''(B) to use renewable energy technology and resources.

''(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection is—

''(A) a State agency;

''(B) a regional, State-based, or tribal energy organization;

''(C) a land-grant college or university or other institution of higher education;

''(D) a rural electric cooperative or public power entity;

''(E) a nonprofit organization; and

''(F) any other similar entity, as determined by the Secretary.

''(3) MERIT REVIEW.—

''(A) MERIT REVIEW PROCESS.—The Secretary shall establish a merit review process to review applications for grants under paragraph (1) that uses the expertise of other

Federal agencies, industry, and nongovernmental organizations.

''(B) SELECTION CRITERIA.—In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider—

''(i) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

''(ii) the geographic scope of the program proposed by the eligible entity in relation to the identified need;

''(iii) the number of agricultural producers and rural small businesses to be assisted by the program;

''(iv) the potential for energy savings and environmental and public health benefits resulting from the program; and

''(v) the plan of the eligible entity for providing information to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development.

''(4) USE OF GRANT FUNDS.—

''(A) REQUIRED USES.—A recipient of a grant under paragraph (1) shall use the grant funds to conduct and promote energy audits for agricultural producers and rural small businesses to provide recommendations on how to improve energy efficiency and use renewable energy technology and resources.

''(B) PERMITTED USES.—In addition to the uses described in subparagraph (A), a recipient of a grant may use the grant funds to make agricultural producers and rural small businesses aware of—

''(i) financial assistance under subsection (c); and

''(ii) other Federal, State, and local financial assistance programs for which the agricultural producers and rural small businesses may be eligible.

''(5) COST SHARING.—A recipient of a grant under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (4)(A) shall require that, as a condition of the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

''(c) FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS.—

''(1) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees, grants, and production-based incentives to agricultural producers and rural small businesses—

''(A) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and

''(B) to make energy efficiency improvements.

''(2) AWARD CONSIDERATIONS.—In determining the amount of a grant, loan guarantee, or production-based incentive provided under this section, the Secretary shall take into consideration, as applicable—

''(A) the type of renewable energy system to be purchased;

''(B) the estimated quantity of energy to be generated by the renewable energy system;

''(C) the expected environmental benefits of the renewable energy system;

''(D) the quantity of energy savings expected to be derived from the activity, as demonstrated by an energy audit comparable to an energy audit under subsection (b);

''(E) the estimated period of time for the energy savings generated by the activity to equal the cost of the activity;

''(F) the expected energy efficiency of the renewable energy system; and

''(G) other appropriate factors.

''(3) FEASIBILITY STUDIES.—

''(A) IN GENERAL.—The Secretary may provide assistance in the form of grants to an agricultural producer or rural small business to conduct a feasibility study for a project for which assistance may be provided under this subsection.

''(B) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this subsection to provide assistance described in subparagraph (A).

''(C) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An entity shall be ineligible to receive assistance to carry out a feasibility study for a project under this paragraph if the entity has received Federal or State assistance for a feasibility study for the project.

''(4) LIMITS.—

''(A) GRANTS.—The amount of a grant under this subsection shall not exceed 25 percent of the cost of the activity carried out using funds from the grant.

''(B) LOAN GUARANTEES.—

''(i) MAXIMUM AMOUNT.—The amount of a loan guaranteed under this subsection shall not exceed $25,000,000.

''(ii) MAXIMUM PERCENTAGE.—A loan guaranteed under this subsection shall not exceed 75 percent of the cost of the activity carried out using funds from the loan.

''(5) PRODUCTION-BASED INCENTIVE PAYMENTS IN LIEU OF GRANTS.—

''(A) IN GENERAL.—In addition to the authority under subsection (b), to encourage the production of electricity from renewable energy systems, the Secretary, on receipt of a request of an eligible applicant under this section, shall make production-based incentive payments to the applicant in lieu of a grant.

''(B) CONTINGENCY.—A payment under subparagraph (A) shall be contingent on documented energy production and sales by the renewable energy system of the eligible applicant to a third party.

''(C) LIMITATION.—The total net present value of a production-based incentive payment under this paragraph shall not exceed the lesser of—

''(i) an amount equal to 25 percent of the eligible project costs, as determined by the Secretary; and

''(ii) such other limit as the Secretary may establish, by rule or guidance.

''(d) FINANCIAL ASSISTANCE FOR FACILITIES TO CONVERT ANIMAL MANURE TO ENERGY.—

''(1) DEFINITION OF ANIMAL MANURE.—In this subsection, the term 'animal manure' means agricultural livestock excrement, including litter, wood shavings, straw, rice hulls, bedding material, and other materials incidentally collected with the manure.

''(2) GRANTS AND LOAN GUARANTEES.—The Secretary shall make grants and loan guarantees to eligible entities on a competitive basis for the installation, operation, and evaluation of facilities described in paragraph (4).

''(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant or loan guarantee under this subsection, an entity shall be—

''(A) an agricultural producer;

''(B) a rural small business;

''(C) a rural cooperative; or

''(D) any other similar entity, as determined by the Secretary.

''(4) ELIGIBLE FACILITIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), an eligible entity may receive a grant or loan guarantee under this subsection for the installation, first-year operation, and evaluation of an on-farm or community facility (such as a digester or power generator using manure for fuel) the primary function of which is to convert animal manure into a useful form of energy (including gaseous or liquid fuel or electricity).

''(B) SUBSYSTEMS INCLUDED.—Funds from a grant and loan guarantee under subparagraph (A) may be used for systems that support an on-farm or community facility described in that subparagraph, which may include feedstock gathering systems and gas piping systems.

''(C) CONVERSION OF RENEWABLE BIOMASS.—An eligible entity may use a grant or loan guarantee provided under this subsection to convert renewable biomass other than animal manure (such as waste materials from food processing facilities and other green wastes) into energy at a facility if the majority of materials converted into energy at the facility is animal manure.

''(D) DEVELOPMENT AND DEMONSTRATION OF NEW TECHNOLOGIES.—An eligible entity may use a grant or loan guarantee provided under this subsection for the installation, demonstration, and first 2 years of operation of an on-farm or community facility that uses manure-to-energy technologies—

''(i) that are not in commercial use, as determined by the Secretary; and

''(ii) for which sufficient research has been conducted for the Secretary to determine that the technology is commercially viable.

''(5) SELECTION OF ELIGIBLE ENTITIES.—In selecting applications for grants and loan guarantees under this subsection, the Secretary shall consider—

''(A) the quality of energy produced; and

''(B) the projected net energy conversion efficiency, which shall be equal to the quotient obtained by dividing—

''(i) the energy output of the eligible facility; by

''(ii) the sum of—

''(I) the energy content of animal manure at the point of collection; and

''(II) the energy consumed in facility operations, including feedstock transportation;

''(C) environmental issues, including potential positive and negative impacts on water quality, air quality, odor emissions, pathogens, and soil quality resulting from—

''(i) the use and conversion of animal manure into energy;

''(ii) the installation and operation of the facility; and

''(iii) the disposal of any waste products (including effluent) from the facility;

''(D) the net impact of the facility and any waste from the facility on greenhouse gas emissions, based on the estimated emissions from manure storage systems in use before the installation of the manure-to-energy facility;

''(E) diversity factors, including diversity of—

''(i) sizes of projects supported; and

''(ii) geographic locations; and

''(F) the proposed project costs and levels of grants or loan guarantees requested.

''(6) AMOUNT.—

''(A) GRANTS.—

''(i) SMALLER PROJECTS.—In the case of a project with a total eligible cost (as described in paragraph (4)) of not more than $500,000, the amount of a grant made under this subsection shall not exceed 50 percent of the total eligible cost.

''(ii) LARGER PROJECTS.—In the case of a project with a total eligible cost (as described in paragraph (4)) of more than $500,000, the amount of a grant made under this subsection shall not exceed the greater of—

''(I) $250,000; or

''(II) 25 percent of the total eligible cost.

''(iii) MAXIMUM.—In no case shall the amount of a grant made under this section exceed $2,000,000.

''(B) LOAN GUARANTEES.—The principal amount and interest of a loan guaranteed under this subsection may not exceed the lesser of—

''(i) 80 percent of the difference between—

''(I) the total cost to install and operate the eligible facility for the first year, as determined by the Secretary; and

''(II) the amount of any Federal, State, and local funds received to support the eligible facility; and

''(ii) $25,000,000.

''(7) PROHIBITION.—A grant or loan guarantee may not be provided for a project under this subsection that also receives assistance under subsection (b) or (c).

''(e) ROLE OF STATE RURAL DEVELOPMENT DIRECTOR.—

''(1) OUTREACH AND AVAILABILITY OF INFORMATION.—

''(A) OUTREACH.—A State rural development director, acting through local rural development offices, shall provide outreach regarding the availability of financial assistance under this section.

''(B) AVAILABILITY OF INFORMATION.—A State rural development director shall make available information relating to the availability of financial assistance under this section at all local rural development, Farm Service Agency, and Natural Resources Conservation Service offices.

''(2) APPLICATION REVIEW.—Applications for assistance under this section shall be reviewed by the appropriate State rural development director.

''(f) SMALL PROJECTS.—

''(1) APPLICATION AND REVIEW PROCESS.—The Secretary shall develop a streamlined application and expedited review process for project applicants seeking less than $20,000 under this section.

''(2) PERCENTAGE OF FUNDS.—Not less than 20 percent of the funds made available under subsection (k)(1) shall be made available to make grants under this section in an amount of less than $20,000.

''(g) PREFERENCE.—In selecting projects to receive grants under this section, the Secretary shall give preference to projects that receive or will receive financial support from the State in which the project is carried out.

''(h) RURAL ENERGY STAR.—The Secretary, in coordination with the Administrator and the Secretary of Energy, shall extend the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) to include a Rural Energy Star component to promote the development and use of energy-efficient equipment and facilities in the agricultural sector.

''(i) REPORTS.—Not later than 4 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall submit to Congress a report on the implementation of this section, including the outcomes achieved by projects funded under this section.

''(j) FUNDING.—

''(1) COMMODITY CREDIT CORPORATION.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $300,000,000 to carry out subsections (c) and (d) for fiscal year 2008, to remain available until expended, of which not less than 15 percent shall be used to carry out subsection (d).

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to carry out this section, there are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

''SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

''(a) DEFINITIONS.—In this section:

''(1) BIOBASED PRODUCT.—The term 'biobased product' means—

''(A) an industrial product (including chemicals, materials, and polymers) produced from biomass; and

''(B) a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

''(2) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility.

''(3) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under subsection (e).

''(4) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(5) POINT OF CONTACT.—The term 'point of contact' means a point of contact designated under this section.

''(b) 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 biofuels and biobased products.

''(2) POINTS OF CONTACT.—

''(A) IN GENERAL.—To coordinate research and development programs and activities relating to biofuels 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 biofuels 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 (d).

''(c) 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 (7 U.S.C. 8101 note), to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biofuels 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 (b)(2)(A)(ii), who shall serve as cochairperson of the Board;

''(B) the point of contact of the Department of Agriculture designated under subsection (b)(2)(A)(i), 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 biofuels 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 (e) 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).

''(d) 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 (7 U.S.C. 8101 note)—

''(A) to advise the Secretary of Energy, the Secretary of Agriculture, and the points of contact concerning—

''(i) the distribution of funding;

''(ii) the technical focus and direction of requests for proposals issued under the Initiative; and

''(iii) 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 biofuels and biobased products;

''(iv) 2 prominent engineers or scientists from government or academia who have expertise in biofuels 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 biofuels and biobased products;

''(viii) an individual with expertise in energy and environmental analysis;

''(ix) an individual with expertise in the economics of biofuels and biobased products;

''(x) an individual with expertise in agricultural economics;

''(xi) an individual with expertise in plant biology and biomass feedstock development; and

''(xii) 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 the activities of the Advisory Committee with activities 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.

''(e) 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, biofuels and biobased products, and the methods, practices, and technologies, for the production of the fuels and product.

''(2) OBJECTIVES.—The objectives of the Initiative are to develop—

''(A) technologies and processes necessary for abundant commercial production of biofuels at prices competitive with fossil fuels;

''(B) high-value biobased products—

''(i) to enhance the economic viability of biofuels and bioenergy;

''(ii) as substitutes for petroleum-based feedstocks and products; and

''(iii) to enhance the value of coproducts produced using the technologies and processes; and

''(C) a diversity of sustainable domestic sources of renewable biomass for conversion to biofuels, bioenergy, 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, development, and demonstration toward—

''(A) feedstocks and feedstock systems relevant to production of raw materials for conversion to biofuels 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) and suitable assay techniques for those features;

''(iii) feedstock harvest, handling, transport, and storage;

''(iv) strategies for integrating feedstock production into existing managed land; and

''(v) improving the value and quality of coproducts, including material used for animal feeding;

''(B) development of cost-effective technologies for the use of cellulosic biomass in the production of biofuels and biobased products, including—

''(i) pretreatment in combination with enzymatic or microbial hydrolysis;

''(ii) thermochemical approaches, including gasification and pyrolysis; and

''(iii) self-processing crops that express enzymes capable of degrading cellulosic biomass;

''(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, coproducts, or cogeneration of power;

''(iii) product recovery;

''(iv) power production technologies;

''(v) integration into existing renewable biomass processing facilities, including starch ethanol plants, sugar processing or refining plants, paper mills, and power plants;

''(vi) enhancement of products and coproducts, including dried distillers grains; and

''(vii) technologies that allow for cost-effective harvest, handling, transport, and storage; and

''(D) analysis that provides strategic guidance for the application of renewable biomass technologies in accordance with realization of improved sustainability and environmental quality, cost effectiveness, security, and rural economic development, usually featuring system-wide approaches, including the harvest, handling, transport, and storage of renewable biomass.

''(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 improvements in dried distillers grains and other biofuel production coproducts for use as bridge feedstocks;

''(B) to maximize the environmental, economic, and social benefits of production of biofuels 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 biofuels 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 2 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 1 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;

''(iii) give partial 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; and

''(iv) require that not less than 15 percent of funds made available to carry out this section is used for research and development relating to each of the technical areas described in paragraph (4).

''(B) MATCHING FUNDS.—

''(i) IN GENERAL.—The non-Federal share of the cost of a demonstration project under this section shall be not less than 20 percent.

''(ii) COMMERCIAL APPLICATIONS.—The non-Federal share of the cost of a commercial application project under this section shall be not less than 50 percent.

''(C) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—The Administrator of the National Institute of Food and Agriculture and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are—

''(i) adapted, made available, and disseminated through those services, as appropriate; and

''(ii) included in the best practices database established under section 220 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6920).

''(f) ADMINISTRATIVE SUPPORT AND FUNDS.—

''(1) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under paragraph (2), 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 (c)(2)(C), and the other members of the Board appointed under subsection (c)(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 made available for each fiscal year under subsection (h) may be used to pay the administrative costs of carrying out this section.

''(g) 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 (e);

''(ii) uses the set of criteria established in the initial report submitted under title III of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) (as in effect on the date before the date of enactment of the Food and Energy Security Act of 2007); and

''(iii) 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 biofuels and biobased products, including a report from the Advisory Committee on whether the points of contact are funding proposals that are selected under subsection (d)(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 of Agriculture and the Secretary of Energy shall update the Vision and Roadmap documents prepared for Federal biomass research and development activities.

''(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section $345,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

"SEC. 9009. SUN GRANT PROGRAM.

''(a) PURPOSES.—The purposes of the programs established under this section are—

''(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;

''(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;

''(3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and

''(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration between the Department of Agriculture, the Department of Energy, and the land-grant colleges and universities.

''(b) DEFINITION OF LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

''(1) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

''(2) 1890 Institutions (as defined in section 2 of that Act) and West Virginia State College; and

''(3) 1994 Institutions (as defined in section 2 of that Act).

''(c) ESTABLISHMENT.—To carry out the purposes described in subsection (a), the Secretary shall provide grants to sun grant centers specified in subsection (d).

''(d) GRANTS TO CENTERS.—The Secretary shall use amounts made available for a fiscal year under subsection (j) to provide a grants in equal amounts to each of the following sun grant centers:

''(1) NORTH-CENTRAL CENTER.—A north-central sun grant center at South Dakota State University for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

''(2) SOUTHEASTERN CENTER.—A southeastern sun grant center at the University of Tennessee at Knoxville for the region composed of—

''(A) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;

''(B) the Commonwealth of Puerto Rico; and

''(C) the United States Virgin Islands.

''(3) SOUTH-CENTRAL CENTER.—A south-central sun grant center at Oklahoma State University for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

''(4) WESTERN CENTER.—A western sun grant center at Oregon State University for the region composed of—

''(A) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

''(B) territories and possessions of the United States (other than the territories referred to in subparagraphs (B) and (C) of paragraph (2)).

''(5) NORTHEASTERN CENTER.—A northeastern sun grant center at Cornell University for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

''(6) WESTERN INSULAR PACIFIC SUBCENTER.—A western insular Pacific subcenter at the University of Hawaii for the region composed of the State of Alaska, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

''(e) USE OF FUNDS.—

''(1) CENTERS OF EXCELLENCE.—Of the amount of funds that are made available for a fiscal year to a sun grant center under subsection (d), the center shall use not more than 25 percent of the amount to support excellence in science, engineering, and economics at the center to promote the purposes described in subsection (a) through the State agricultural experiment station, cooperative extension services, and relevant educational programs of the university.

''(2) GRANTS TO LAND-GRANT COLLEGES AND UNIVERSITIES.—

''(A) IN GENERAL.—The sun grant center established for a region shall use the funds that remain available for a fiscal year after expenditures made under paragraph (1) to provide competitive grants to land-grant colleges and universities in the region of the sun grant center to conduct, consistent with the purposes described in subsection (a), multi-institutional and multistate—

''(i) research, extension, and educational programs on technology development; and

''(ii) integrated research, extension, and educational programs on technology implementation.

''(B) PROGRAMS.—Of the amount of funds that are used to provide grants for a fiscal year under subparagraph (A), the center shall use—

''(i) not less than 30 percent of the funds to carry out programs described in subparagraph (A)(i); and

''(ii) not less than 30 percent of the funds to carry out programs described in subparagraph (A)(ii).

''(3) INDIRECT COSTS.—A sun grant center may not recover the indirect costs of making grants under paragraph (2) to other land-grant colleges and universities.

''(f) PLAN.—

''(1) IN GENERAL.—Subject to the availability of funds under subsection (j), in cooperation with other land-grant colleges and universities and private industry in accordance with paragraph (2), the sun grant centers shall jointly develop and submit to the Secretary, for approval, a plan for addressing at the State and regional levels the bioenergy, biomass, and gasification research priorities of the Department of Agriculture and the Department of Energy for the making of grants under paragraphs (1) and (2) of subsection (e).

''(2) GASIFICATION COORDINATION.—

''(A) IN GENERAL.—In developing the plan under paragraph (1) with respect to gasification research, the sun grant centers identified in paragraphs (1) and (2) of subsection (d) shall coordinate with land grant colleges and universities in their respective regions that have ongoing research activities with respect to the research.

''(B) FUNDING.—Funds made available under subsection (d) to the sun grant center identified in subsection (e)(2) shall be available to carry out planning coordination under paragraph (1) of this subsection.

''(g) GRANTS TO OTHER LAND-GRANT COLLEGES AND UNIVERSITIES.—

''(1) PRIORITY FOR GRANTS.—In making grants under subsection (e)(2), a sun grant center shall give a higher priority to programs that are consistent with the plan approved by the Secretary under subsection (f).

''(2) TERM OF GRANTS.—The term of a grant provided by a sun grant center under subsection (e)(2) shall not exceed 5 years.

''(h) GRANT INFORMATION ANALYSIS CENTER.—The sun grant centers shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (d)(1) to provide sun grant centers analysis and data management support.

''(i) ANNUAL REPORTS.—Not later than 90 days after the end of a year for which a sun grant center receives a grant under subsection (d), the sun grant center shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center during the year, including a description of progress made in facilitating the priorities described in subsection (f).

''(j) FUNDING.—

''(1) COMMODITY CREDIT CORPORATION.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $5,000,000 for fiscal year 2008;

''(B) $10,000,000 for fiscal year 2009; and

''(C) $10,000,000 for fiscal year 2010.

''(2) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $70,000,000 for each of fiscal years 2008 through 2012.

''(B) GRANT INFORMATION ANALYSIS CENTER.—Of amounts made available under subparagraph (A), not more than $4,000,000 for each fiscal year shall be made available to carry out subsection (h).

''SEC. 9010. REGIONAL BIOMASS CROP EXPERIMENTS.

''(a) PURPOSE.—The purpose of this section is to initiate multi-region side-by-side crop experiments to provide a sound knowledge base on all aspects of the production of biomass energy crops, including crop species, nutrient requirements, management practices, environmental impacts, greenhouse gas implications, and economics.

''(b) CROP EXPERIMENTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Board, based on the recommendations of the Advisory Committee, shall award 10 competitive grants to land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) to establish regional biomass crop research experiments (including experiments involving annuals, perennials, and woody biomass species).

''(2) SELECTION OF GRANT RECIPIENTS.—Grant recipients shall be selected on the basis of applications submitted in accordance with guidelines issued by the Secretary.

''(3) SELECTION CRITERIA.—In selecting grant recipients, the Secretary shall consider—

''(A) the capabilities and experience of the applicant in conducting side-by-side crop experiments;

''(B) the range of species types and cropping practices proposed for study;

''(C) the quality of the proposed crop experiment plan;

''(D) the commitment of the applicant of adequate acreage and necessary resources for, and continued participation in, the crop experiments;

''(E) the need for regional diversity among the 10 institutions selected; and

''(F) such other factors as the Secretary may determine.

''(c) GRANTS.—The Secretary shall make a grant to each land-grant college or university selected under subsection (b) in the amount of—

''(1) $1,000,000 for fiscal year 2008;

''(2) $2,000,000 for fiscal year 2009; and

''(3) $1,000,000 for fiscal year 2010.

''(d) COORDINATION.—The Secretary shall coordinate with participants under this section—

''(1) to provide coordination regarding biomass crop research approaches; and

''(2) to ensure coordination between biomass crop research activities carried out by land-grant colleges and universities under this section and by sun grant centers under section 9009.

''(e) FUNDING.—

''(1) COMMODITY CREDIT CORPORATION.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $10,000,000 for fiscal year 2008;

''(B) $20,000,000 for fiscal year 2009; and

''(C) $10,000,000 for fiscal year 2010.

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to carry out this section, there are authorized to be appropriated such sums are necessary to carry out this section for each of fiscal years 2008 through 2012.

''SEC. 9011. BIOCHAR RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

''(a) PURPOSE.—The purpose of this section is to support research, development, and demonstration of biochar as a coproduct of bioenergy production, as a soil enhancement practice, and as a carbon management strategy.

''(b) DEFINITION OF BIOCHAR.—In this section, the term 'biochar' means charcoal or biomass-derived black carbon that is added to soil to improve soil fertility, nutrient retention, and carbon content.

''(c) GRANTS.—The Secretary shall award competitive grants to eligible entities to support biochar research, development, and demonstration projects on multiple scales, including laboratory biochar research and field trials, and biochar systems on a single farm scale, local community scale, and agricultural cooperative scale.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an eligible entity described in section 9005(d).

''(e) AREAS OF BIOCHAR RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—In carrying out this section, the Secretary shall solicit proposals for activities that include—

''(1) the installation and use of biochar production systems, including pyrolysis and thermocombustion systems, and the integration of biochar production with bioenergy and bioproducts production;

''(2) the study of agronomic effects of biochar usage in soils, including plant growth and yield effects for different application rates and soil types, and implications for water and fertilizer needs;

''(3) biochar characterization, including analysis of physical properties, chemical structure, product consistency and quality, and the impacts of those properties on the soil-conditioning effects of biochar in different soil types;

''(4) the study of effects of the use of biochar on the carbon content of soils, with an emphasis on the potential for biochar applications to sequester carbon;

''(5) the study of effects of biochar on greenhouse gas emissions relating to crop production, including nitrous oxide and carbon dioxide emissions from cropland;

''(6) the study of the integration of renewable energy and bioenergy production with biochar production;

''(7) the study of the economics of biochar production and use, including considerations of feedstock competition, synergies of coproduction with bioenergy, the value of soil enhancements, and the value of soil carbon sequestration; and

''(8) such other topics as are identified by the Secretary.

''(f) FUNDING.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2008 through 2012.

''SEC. 9012. RENEWABLE WOODY BIOMASS FOR ENERGY.

''(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary'), shall conduct a competitive research, technology development, and technology application program to encourage the use of renewable woody biomass for energy.

''(b) ELIGIBLE ENTITIES.—Entities eligible to compete under the program shall include—

''(1) the Forest Service (through Research and Development);

''(2) other Federal agencies;

''(3) State and local governments;

''(4) federally recognized Indian tribes;

''(5) colleges and universities; and

''(6) private entities.

''(c) PRIORITY FOR PROJECT SELECTION.—The Secretary shall give priority under the program to projects that—

''(1) develop technology and techniques to use low-value woody biomass sources, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

''(2) develop processes that integrate production of energy from woody biomass into biorefineries or other existing manufacturing streams;

''(3) develop new transportation fuels from woody biomass; and

''(4) improve the growth and yield of trees intended for renewable energy production.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

''SEC. 9013. COMMUNITY WOOD ENERGY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMUNITY WOOD ENERGY PLAN.—The term 'community wood energy plan' means a plan that identifies how local forests can be accessed in a sustainable manner to help meet the wood supply needs of a community wood energy system.

''(2) COMMUNITY WOOD ENERGY SYSTEM.—

''(A) IN GENERAL.—The term 'community wood energy system' means an energy system that—

''(i) services schools, town halls, libraries, and other public buildings; and

''(ii) uses woody biomass as the primary fuel.

''(B) INCLUSIONS.—The term 'community wood energy system' includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the 'Community Wood Energy Program' to provide—

''(A) grants of up to $50,000 to State and local governments (or designees)—

''(i) to conduct feasibility studies related to community wood energy plans; and

''(ii) to develop community wood energy plans; and

''(B) competitive grants to State and local governments—

''(i) to acquire or upgrade community wood energy systems for public buildings; and

''(ii) to implement a community wood energy plan.

''(2) CONSIDERATIONS.—In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

''(A) the energy efficiency of the proposed system; and

''(B) other conservation and environmental criteria that the Secretary considers appropriate.

''(c) COMMUNITY WOOD ENERGY PLAN.—

''(1) IN GENERAL.—A State or local government that receives a grant under subsection (b)(1)(A), shall use the grant, and the technical assistance of the State forester, to create a community wood energy plan to meet the wood supply needs of the community wood energy system, in a sustainable manner, that the State or local government proposes to purchase under this section.

''(2) USE OF PLAN.—A State or local government applying to receive a competitive grant described in subsection (b)(1)(B) shall submit to the Secretary as part of the grant application the applicable community wood energy plan described in paragraph (1).

''(3) REQUIREMENT.—To be included in a community wood energy plan, property shall be subject to a forest management plan.

''(d) USE IN PUBLIC BUILDINGS.—A State or local government that receives a grant under subsection (b)(1)(B) shall use a community wood energy system acquired, in whole or in part, with the use of the grant funds for primary use in a public facility owned by the State or local government.

''(e) LIMITATION.—A community wood energy system acquired with grant funds provided under subsection (b)(1)(B) shall not exceed an output of—

''(1) 50,000,000 Btu per hour for heating; and

''(2) 2 megawatts for electric power production.

''(f) MATCHING FUNDS.—A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the feasibility study, development of the community wood energy plan, or acquisition of the community wood energy systems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

''SEC. 9014. RURAL ENERGY SYSTEMS RENEWAL.

''(a) PURPOSE.—The purpose of this section is to establish a Federal program—

''(1) to encourage communities in rural areas of the United States to establish energy systems renewal strategies for their communities;

''(2) to provide the information, analysis assistance, and guidance that the communities need; and

''(3) to provide financial resources to partially fund the costs of carrying out community energy systems renewal projects.

''(b) PROGRAM AUTHORITY.—The Secretary shall establish and carry out a program of competitive grants to support communities in rural areas in carrying out rural energy systems renewal projects.

''(c) USE OF GRANTS.—A community may use a grant provided under this section to carry out a project—

''(1) to conduct an energy assessment that assesses total energy usage by all members and activities of the community, including an assessment of—

''(A) energy used in community facilities, including energy for heating, cooling, lighting, and all other building and facility uses;

''(B) energy used in transportation by community members;

''(C) current sources and types of energy used;

''(D) energy embedded in other materials and products;

''(E) the major impacts of the energy usage (including the impact on the quantity of oil imported, total costs, the environment, and greenhouse gas emissions); and

''(F) such other activities as are determined appropriate by the community, consistent with the purposes described in subsection (a);

''(2) to formulate and analyze ideas for reducing conventional energy usage and greenhouse gas emissions by the community, including reduction of energy usage through—

''(A) housing insulation, automatic controls on lighting and electronics, zone energy usage, and home energy conservation practices;

''(B) transportation alternatives, vehicle options, transit options, transportation conservation, and walk- and bike-to-school programs;

''(C) community configuration alternatives to provide pedestrian access to regular services; and

''(D) community options for alternative energy systems (including alternative fuels, photovoltaic electricity, wind energy, geothermal heat pump systems, and combined heat and power);

''(3) to formulate and implement community strategies for reducing conventional energy usage and greenhouse gas emissions by the community;

''(4) to conduct assessments and to track and record the results of energy system changes; and

''(5) to train rural community energy professionals to provide expert support to community energy systems renewal projects.

''(d) FEDERAL SHARE.—The Federal cost of carrying out a project under this section shall be 50 percent of the total cost of the project.

''(e) ADMINISTRATION.—The Secretary shall—

''(1) issue, an annual basis, requests for proposals from communities in rural areas for energy systems renewal projects; and

''(2) establish criteria for program participation and evaluation of projects carried out under this section, including criteria based on—

''(A) the quality of the renewal projects proposed;

''(B) the probability of success of the community in meeting the energy systems renewal goals of the community;

''(C) the projected energy savings (including oil savings) resulting from the proposed projects; and

''(D) projected greenhouse gas emission reductions resulting from the proposed projects.

''(f) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy, shall—

''(1) develop, and provide through the National Institute of Food and Agriculture or State Energy Offices, information and tools that communities in rural areas can use—

''(A) to assess the current energy systems of the communities, including sources, uses, and impacts;

''(B) to identify and evaluate options for changes;

''(C) to develop strategies and plans for changes; and

''(D) to implement changes and assess the impact of the changes; and

''(2) provide technical assistance and support to communities in rural areas that receive grants under this section to assist the communities in carrying out projects under this section.

''(g) REPORT.—Not later than December 31, 2011, and biennially thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that documents the best practices and approaches used by communities in rural areas that receive funds under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this section $5,000,000 for each of fiscal years 2008 through 2012.

''SEC. 9015. VOLUNTARY RENEWABLE BIOMASS CERTIFICATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, in consultation with Administrator, shall establish a voluntary program to certify renewable biomass that meets sustainable growing standards designed—

''(1) to reduce greenhouse gases and improve soil carbon content;

''(2) to protect wildlife habitat, and

''(3) to protect air, soil, and water quality.

''(b) VOLUNTARY CERTIFICATION REQUIREMENTS.—To qualify for certification under the program established under subsection (a), a biomass crop shall be inspected and certified as meeting the standards adopted under subsection (c) by an inspector designated under subsection (d).

''(c) PRODUCTION STANDARDS.—

''(1) IN GENERAL.—The Secretary shall adopt standards for the certification of renewable biomass under subsection (b) that will apply to those producers who elect to participate in the voluntary certification program.

''(2) REQUIREMENT.—The standards under paragraph (1) shall provide measurement of a numerical reduction in greenhouse gases, improvement to soil carbon content, and reduction in soil and water pollutants, based on the recommendations of an advisory committee jointly established by the Secretary and the Administrator.

''(d) INSPECTORS.—The Secretary shall designate inspectors that the Secretary determines are qualified to carry out inspections and certifications under subsection (b) in order to certify renewable biomass under this section.

''(e) DESIGNATION.—A product produced from renewable biomass that is certified under this section may be designated as having been produced from certified renewable biomass if—

''(1) the producer of the product verifies that the product was produced from renewable biomass; and

''(2) the verification includes a copy of the certification obtained in accordance with subsection (b).

''SEC. 9016. ADMINISTRATION.

''The Secretary shall designate an entity within the Department of Agriculture to—

''(1) provide oversight and coordination of all activities relating to renewable energy and biobased product development within the Department;

''(2) act as a liaison between the Department and other Federal, State, and local agencies to ensure coordination among activities relating to renewable energy and biobased product development;

''(3) assist agriculture researchers by evaluating the market potential of new biobased products in the initial phase of development;

''(4) collect and disseminate information relating to renewable energy and biobased product development programs, including research, within the Federal Government; and

''(5) establish and maintain a public database of best practices to facilitate information sharing relating to—

''(A) renewable energy and biobased product development from programs under this title and other programs; and

''(B) best practices for producing, collecting, harvesting, storing, and transporting crops of renewable biomass, as described under section 9004(d)(3)(B) of the Farm Security and Rural Investment Act of 2002.

''SEC. 9017. BIOFUELS INFRASTRUCTURE STUDY.

''(a) IN GENERAL.—The Secretary, in collaboration with the Secretary of Energy, the Administrator, and the Secretary of Transportation, shall—

''(1) conduct an assessment of the infrastructure needs for expanding the domestic production, transport, and marketing of biofuels and bioenergy;

''(2) formulate recommendations for infrastructure development needs and approaches; and

''(3) submit to the appropriate committees of Congress a report describing the assessment and recommendations.

''(b) INFRASTRUCTURE AREAS.—In carrying out subsection (a), the Secretary shall consider—

''(1) biofuel transport and delivery infrastructure issues, including shipment by rail or pipeline or barge;

''(2) biofuel storage needs;

''(3) biomass feedstock delivery needs, including adequacy of rural roads;

''(4) biomass feedstock storage needs;

''(5) water resource needs, including water requirements for biorefineries; and

''(6) such other infrastructure issues as the Secretary may determine.

''(c) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider—

''(1) estimated future biofuels production levels of—

''(A) 20,000,000,000 gallons per year to 40,000,000,000 gallons per year by 2020; and

''(B) 50,000,000,000 gallons per year to 75,000,000,000 gallons per year by 2030;

''(2) the feasibility of shipping biofuels through existing pipelines;

''(3) the development of new biofuels pipelines, including siting, financing, timing, and other economic issues;

''(4) the environmental implications of alternative approaches to infrastructure development; and

''(5) the resource use and conservation characteristics of alternative approaches to infrastructure development.

''(d) IMPLEMENTATION.—In carrying out this section, the Secretary—

''(1) shall consult with individuals and entities with interest or expertise in the areas described in subsections (b) and (c); and

''(2) may issue a solicitation for a competition to select a contractor to support the Secretary.

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

''SEC. 9018. RURAL NITROGEN FERTILIZER STUDY.

''(a) PURPOSES.—The purposes of this section are—

''(1) to assess the feasibility of producing nitrogen fertilizer from renewable energy resources in rural areas; and

''(2) to formulate recommendations for a program to promote rural nitrogen fertilizer production from renewable energy resources in the future.

''(b) STUDY.—The Secretary shall—

''(1) conduct a study to assess and summarize the current state of knowledge regarding the potential for the production of nitrogen fertilizer from renewable energy sources in rural areas;

''(2) identify the critical challenges to commercialization of rural production of nitrogen fertilizer from renewables; and

''(3) not later than 270 days after the date of enactment of this section, submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that summarizes the results of the activities described in paragraphs (1) and (2).

''(c) NEEDS.—

''(1) IN GENERAL.—Based on the results of the study described in subsection (b), the Secretary shall identify the critical needs to commercializing the rural production of nitrogen fertilizer from renewables, including—

''(A) identifying alternative processes for renewables-to-nitrogen fertilizer production;

''(B) identifying efficiency improvements that are necessary for each component of renewables-to-nitrogen fertilizer production processes to produce cost-competitive nitrogen fertilizer;

''(C) identifying research and technology priorities for the most promising technologies;

''(D) identifying economic analyses needed to better understand the commercial potential of rural nitrogen production from renewables;

''(E) identifying additional challenges impeding commercialization, including—

''(i) cost competition from nitrogen fertilizer produced using natural gas and coal;

''(ii) modifications or expansion needed to the currently-installed nitrogen fertilizer (anhydrous ammonia) pipeline and storage tank system to enable interconnection of on-farm or rural renewables-to-nitrogen fertilizer systems;

''(iii) impact on nitrogen fertilizer (anhydrous ammonia) transportation infrastructure and safety regulations;

''(iv) supply of competitively-priced renewable electricity; and

''(v) impacts on domestic water supplies; and

''(F) determining greenhouse gas reduction benefits of producing nitrogen fertilizer from renewable energy.

''(d) PROGRAM RECOMMENDATIONS.—As part of the report described in subsection (b)(3) and based on the needs identified in subsection (c), the Secretary shall provide recommendations on—

''(1) the establishment of a research, development, and demonstration program to support commercialization of rural nitrogen production using renewables;

''(2) the appropriate contents of the program;

''(3) the appropriate approach to implementing the program, including participants and funding plans; and

''(4) legislation to support commercialization of rural nitrogen production using renewables.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2008.

''SEC. 9019. STUDY OF LIFE-CYCLE ANALYSIS OF BIOFUELS.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy and the Administrator, shall conduct a study of—

''(1) published methods for evaluating the lifecycle greenhouse gas emissions of conventional fuels and biofuels; and

''(2) methods for performing simplified, streamlined lifecycle analyses of the greenhouse gas emissions of conventional fuels and biofuels.

''(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the greenhouse gas emissions of biofuels and fossil fuels that includes—

''(1) greenhouse gas emissions relating to the production, extraction, transportation, storage, and waste disposal of the fuels and the feedstocks of the fuels, including the greenhouse gases associated with electrical and thermal energy inputs;

''(2) greenhouse gas emissions relating to the distribution, marketing, and use of the fuels; and

''(3) to the maximum extent practicable, direct and indirect greenhouse gas emissions from changes in land use and land cover that occur domestically or internationally as a result of biofuel feedstock production.

''(c) UPDATE.—Not later than 2 years after the date on which the Secretary submits the report under subsection (b), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an update containing recommendations for an improved method for conducting lifecycle analysis of the greenhouse gas emissions of biofuels and fossil fuels that takes into account advances in the understanding of the emissions.

''SEC. 9020. E-85 FUEL PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) E-85 FUEL.—The term 'E-85 fuel' means a blend of gasoline at least 85 percent (or any other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of the content of which is derived from ethanol.

''(2) ELIGIBLE FACILITY.—The term 'eligible facility' means an ethanol production facility, the majority ownership of which is comprised of agricultural producers.

''(b) PROGRAM.—The Secretary shall make grants under this section to eligible facilities—

''(1) to install E-85 fuel infrastructure, including infrastructure necessary—

''(A) for the direct retail sale of E-85 fuel, including E-85 fuel pumps and storage tanks; and

''(B) to directly market E-85 fuel to gas retailers, including in-line blending equipment, pumps, storage tanks, and load-out equipment; and

''(2) to provide subgrants to direct retailers of E-85 fuel that are located in a rural area (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))) for the purpose of installing E-85 fuel infrastructure for the direct retail sale of E-85 fuel, including E-85 fuel pumps and storage tanks.

''(c) COST SHARING.—

''(1) GRANTS.—The amount of a grant under this section shall be equal to 20 percent of the total costs of the installation of the E-85 fuel infrastructure, as determined by the Secretary.

''(2) RELATIONSHIP TO OTHER FEDERAL FUNDING.—The amount of a grant that an eligible facility receives under this section shall be reduced by the amount of other Federal funding that the eligible facility receives for the same purpose, as determined by the Secretary.

''(3) LIMITATION.—Not more than 70 percent of the total costs of E-85 fuel infrastructure provided assistance under this section shall be provided by the Federal Government and State and local governments.

''(d) AUTHORIZATION OF APPROPRIATIONS.—Subject to the availability of appropriations, there is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

''SEC. 9021. RESEARCH AND DEVELOPMENT OF RENEWABLE ENERGY.

''(a) IN GENERAL.—The Secretary, in conjunction with the Colorado Renewable Energy Collaboratory, shall carry out a research and development program relating to renewable energy—

''(1) to conduct research on and develop high-quality energy crops that—

''(A) have high energy production values;

''(B) are cost efficient for producers and refiners;

''(C) are well suited to high yields with minimal inputs in arid and semiarid regions; and

''(D) are regionally appropriate;

''(2) to conduct research on and develop biorefining and biofuels through multidisciplinary research, including research relating to—

''(A) biochemical engineering;

''(B) process engineering;

''(C) thermochemical engineering;

''(D) product engineering; and

''(E) systems engineering;

''(3) to develop cost-effective methods for the harvesting, handling, transport, and storage of cellulosic biomass feedstocks;

''(4) to conduct research on and develop fertilizers from biobased sources other than hydrocarbon fuels;

''(5) to develop energy- and water-efficient irrigation systems;

''(6) to research and develop water-efficient biofuel production technologies;

''(7) to research and develop additional biobased products;

''(8) in cooperation with the Department of Energy and the Department of Defense, to develop storage and conversion technologies for wind- and solar-generated power for small-scale and utility-scale generation facilities; and

''(9) in cooperation with the Department of Energy, to research fuel cell technologies for use in farm, ranch, and rural applications.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

''(2) ADDITIONAL FUNDS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated—

''(A) $110,000,000 to the Under Secretary for Research, Education, and Economics, acting through the Agricultural Research Service, for cellulosic biofuel research for each of fiscal years 2008 through 2012; and

''(B) $110,000,000 to the Secretary and the Secretary of Energy for the development of smaller-scale biorefineries and biofuel plants for each of fiscal years 2008 through 2012.

''SEC. 9022. NORTHEAST DAIRY NUTRIENT MANAGEMENT AND ENERGY DEVELOPMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CONSORTIUM.—The term 'consortium' means a collaboration of land-grant colleges or universities in the Northeast region that have programs devoted to dairy manure nutrient management and energy conversion from dairy manure.

''(2) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

''(3) NORTHEAST REGION.—The term 'Northeast region' means the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

''(4) PROGRAM.—The term 'program' means the dairy nutrient management and energy development program established under subsection (b).

''(b) ESTABLISHMENT.—The Secretary shall establish a dairy nutrient management and energy development program under which the Secretary shall provide funds to the consortium to carry out multistate, integrated research, extension, and demonstration projects for nutrient management and energy development in the Northeast Region.

''(c) STEERING COMMITTEE.—

''(1) IN GENERAL.—The consortium shall establish a steering committee to administer the program.

''(2) CHAIRPERSON.—For each calendar year, or for such other period as the consortium determines to be appropriate, the consortium shall select a chairperson of the steering committee in a manner that ensures that each member of the consortium is represented by a chairperson on a rotating basis.

''(3) BOARD.—

''(A) IN GENERAL.—The steering committee shall establish a board of directors to assist in the administration of the program.

''(B) COMPOSITION.—The board shall consist of representatives of—

''(i) dairy cooperatives and other producer groups;

''(ii) State departments of agriculture;

''(iii) conservation organizations; and

''(iv) other appropriate Federal and State agencies.

''(d) USE OF FUNDS.—

''(1) ADMINISTRATIVE COSTS.—The consortium may use not more than 10 percent of the total amount of funds provided to the consortium under this section to pay the administrative costs of the program.

''(2) GRANT PROGRAM.—

''(A) IN GENERAL.—The consortium shall use the amounts provided under this section to provide grants to applicants, including dairy cooperatives, producers and producer groups, State departments of agriculture and other appropriate State agencies, and institutions of higher education, to carry out integrated research, extension, and demonstration projects in the Northeast region to address manure nutrient management and energy development.

''(B) APPLICATIONS.—The steering committee established under subsection (c)(1), in coordination with the board established by the steering committee, shall annually publish 1 or more requests to receive applications for grants under this paragraph.

''(C) SELECTION.—

''(i) IN GENERAL.—The board of the steering committee shall select applications submitted under subparagraph (B) for grants under this paragraph—

''(I) on a competitive basis;

''(II) in accordance with such priority technical areas and distribution requirements as the steering committee may establish; and

''(III) in a manner that ensures, to the maximum extent practicable, that an equal quantity of resources is provided to each member of the consortium.

''(ii) REVIEW.—Before selecting any application under clause (i), the board shall ensure that the program proposed in the application is subject to a merit review by an independent panel of scientific experts with experience relating to the program.

''(iii) PRIORITY.—In selecting applications under clause (i), the board shall give priority to applications for programs that—

''(I) include multiorganizational partnerships, especially partnerships that include producers; and

''(II) attract the most current and applicable science for nutrient management and energy development that can be applied in the Northeast region.

''(D) COST SHARING.—An applicant that receives a grant under this paragraph shall provide not less than 20 percent of the cost of the project carried out by the applicant.

''(e) AVAILABILITY OF RESULTS.—The consortium shall ensure that the results of each project carried out pursuant to the program are made publicly available.

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

''SEC. 9023. FUTURE FARMSTEADS PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to equip, in each of 5 regions of the United States chosen to represent different farming practices, a farm house and its surrounding fields, facilities, and forested areas with technologies to—

''(1) improve farm energy production and energy use efficiencies;

''(2) provide working examples to farmers; and

''(3) serve as an education, demonstration, and research facility that will teach graduate students whose focus of research is related to either renewable energy or energy conservation technologies.

''(b) GOALS.—The goals of the program established under subsection (a) shall be to—

''(1) advance farm energy use efficiencies and the on-farm production of renewable energies, along with advanced communication and control technologies with the latest in energy capture and conversion techniques, thereby enhancing rural energy independence and creating new revenues for rural economies;

''(2) accelerate private sector and university research into the efficient on-farm production of renewable fuels and help educate the farming industry, students, and the general public; and

''(3) accelerate energy independence, including the production and the conservation of renewable energies on farms.

''(c) COLLABORATION PARTNERS.—The program under this section shall be carried out in partnership with regional land grant institutions, agricultural commodity commissions, biofuels companies, sensor and controls companies, and internet technology companies.

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

SEC. 9002. SENSE OF THE SENATE CONCERNING HIGHER LEVELS OF ETHANOL BLENDED GASOLINE.

(a) FINDINGS.—The Senate finds that, as of the date of enactment of this Act—

(1) annual ethanol production capacity totals 6,800,000,000 gallons;

(2) current and planned construction of ethanol refineries will likely increase annual ethanol production capacity to 12,000,000,000 to 13,000,000,000 gallons by December 31, 2009;

(3) under existing regulations, only gasoline blended with up to 10 percent ethanol (commonly known as ''E–10'') may be consumed by nonflexible fuel vehicles;

(4) the total market demand for E–10—

(A) is limited to 10 percent of domestic motor fuel consumption; and

(B) is further constrained by State-administered reformulated gasoline regulations and regional infrastructure constraints;

(5) beyond the market demand for E–10, insufficient E–85 infrastructure exists to absorb the increased ethanol production beyond 12,000,000,000 to 13,000,000,000 gallons in the short term;

(6) the approval of intermediate blends of ethanol-blended gasoline, such as E–13, E–15, E–20, and higher blends, is critical to the uninterrupted growth of the United States biofuels industry; and

(7) maintaining the growth of the United States biofuels industry is a matter of national security and sustainable economic growth.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) collaborate with the Secretary of Energy, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency in conducting a study of the economic and environmental effects of intermediate blends of ethanol in United States fuel supply;

(2) ensure that the approval of intermediate blends of ethanol occurs after the appropriate tests have successfully concluded proving the drivability, compatibility, emissions, durability, and health effects of higher blends of ethanol-blended gasoline; and

(3) ensure that the approval of intermediate blends of ethanol-blended gasoline occurs by not later than 1 year after the date of enactment of this Act.

SEC. 9003. CONFORMING AMENDMENTS.

(a) BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.—Title III of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is repealed.

(b) MARKETING PROGRAM FOR BIOBASED PRODUCTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall continue to carry out the designation and labeling of biobased products in accordance with

section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) as in effect on the day before the date of enactment of this Act until the date on which the Secretary is able to begin carrying out section 9002(a) of that Act (as amended by section 9001), which shall begin not later than 90 days after the date of enactment of this Act.

(B) EXISTING LISTINGS.—Biobased products designated and labeled under section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) as in effect on the day before the date of enactment of this Act shall continue to be considered designated and labeled biobased products after the date of enactment of this Act.

(C) PROPOSED ITEM DESIGNATIONS.—Notwithstanding any other provision of this Act or an amendment made by this Act, the Secretary shall have the authority to finalize the listings of any item proposed (prior to the date of enactment of this Act) to be designated in accordance with section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) as in effect on the day before the date of enactment of this Act.

(2) BIOENERGY EDUCATION AND AWARENESS CAMPAIGN.—Section 947 of the Energy Policy Act of 2005 (42 U.S.C. 16256) is repealed.

TITLE X—LIVESTOCK MARKETING, REGULATORY, AND RELATED PROGRAMS

Subtitle A—Marketing

SEC. 10001. LIVESTOCK MANDATORY REPORTING.

(a) MANDATORY REPORTING FOR SWINE.—Section 232(c)(3) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j(c)(3)) is amended—

(1) in subparagraph (A), by striking ''2:00 p.m.'' and inserting ''3:00 p.m.''; and

(2) in subparagraph (B), by striking ''3:00 p.m.'' and inserting ''4:00 p.m.''.

(b) MANDATORY PACKER REPORTING OF PORK PRODUCTS SALES.—

(1) IN GENERAL.—Section 232 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j) is amended by adding at the end the following:

''(f) MANDATORY PACKER REPORTING OF PORK PRODUCTS SALES.—

''(1) IN GENERAL.—Beginning not earlier than the date on which the report under section 10001(b)(2)(C) of the Food and Energy Security Act of 2007 is submitted, the Secretary may require the corporate officers or officially designated representative of each packer processing plant to report to the Secretary at least twice each reporting day (not less than once before, and once after, 12:00 noon Central Time) information on total pork products sales, including price and volume information as specified by the Secretary.

''(2) PUBLICATION.—The Secretary shall make available to the public any information required to be reported under subparagraph (A) (including information on pork cuts and retail-ready pork products) not less than twice each reporting day.''.

(2) STUDY AND REPORT.—

(A) STUDY.—The Secretary shall conduct a study on the effects of requiring packer processing plants to report to the Secretary information on total pork products sales (including price and volume information), including—

(i) the positive or negative economic effects on producers and consumers; and

(ii) the effects of a confidentiality requirement on mandatory reporting.

(B) INFORMATION.—The Secretary may collect such information as is necessary to enable the Secretary to conduct the study required under subparagraph (A).

(C) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study conducted under subparagraph (A).

(c) PUBLICATION OF INFORMATION ON RETAIL PURCHASE PRICES FOR REPRESENTATIVE MEAT PRODUCTS.—Section 257(a) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636f(a)) is amended by inserting ''and continuing not less than each month thereafter'' after ''this subtitle''.

SEC. 10002. GRADING AND INSPECTION.

(a) GRADING.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following:

''(n) GRADING PROGRAM.—To establish, within the Agricultural Marketing Service, a voluntary grading program for farm-raised animals described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)).''.

(b) AMENABLE SPECIES.—Section 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601(w)) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3); and

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

''(2) farm-raised animals described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and''.

(c) EXISTING ACTIVITIES.—The Secretary shall ensure, to the maximum extent practicable, that nothing in an amendment made by this section duplicates or impedes any of the food safety activities conducted by the Department of Commerce or the Food and Drug Administration.

SEC. 10003. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.) is amended—

(1) in section 281(2)(A)—

(A) in clause (v), by striking ''and'';

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) meat produced from goats; and

''(viii) macadamia nuts.'';

(2) in section 282—

(A) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

''(2) DESIGNATION OF COUNTRY OF ORIGIN FOR BEEF, LAMB, PORK, AND GOAT MEAT.—

''(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

''(i) exclusively born, raised, and slaughtered in the United States;

''(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

''(iii) present in the United States on or before January 1, 2008, and once present in the United States, remained continuously in the United States.

''(B) MULTIPLE COUNTRIES OF ORIGIN.—

''(i) IN GENERAL.—A retailer of a covered commodity that is beef, lamb, pork, or goat meat that is derived from an animal that is—

''(I) not exclusively born, raised, and slaughtered in the United States,

''(II) born, raised, or slaughtered in the United States, and

''(III) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

''(ii) RELATION TO GENERAL REQUIREMENT.—Nothing in this subparagraph alters the mandatory requirement to inform consumers of the country of origin of covered commodities under paragraph (1).

''(C) IMPORTED FOR IMMEDIATE SLAUGHTER.—A retailer of a covered commodity that is beef, lamb, pork, or goat meat that is derived from an animal that is imported into the United States for immediate slaughter shall designate the origin of such covered commodity as—

''(i) the country from which the animal was imported; and

''(ii) the United States.

''(D) FOREIGN COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat meat that is derived from an animal that is not born, raised, or slaughtered in the United States shall designate a country other than the United States as the country of origin of such commodity.

''(E) GROUND BEEF, PORK, LAMB, AND GOAT.—The notice of country of origin for ground beef, ground pork, ground lamb, or ground goat shall include—

''(i) a list of all countries of origin of such ground beef, ground pork, ground lamb, or ground goat; or

''(ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, ground lamb, or ground goat.

''(3) DESIGNATION OF COUNTRY OF ORIGIN FOR FISH.—

''(A) IN GENERAL.—A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

''(i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

''(ii) in the case of wild fish, is—

''(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

''(II) processed in the United States, a territory of the United States, or a State, including the waters thereof.

''(B) DESIGNATION OF WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

''(4) DESIGNATION OF COUNTRY OF ORIGIN FOR PERISHABLE AGRICULTURAL COMMODITIES, PEANUTS, AND MACADAMIA NUTS.—

''(A) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity, peanut, or macadamia nut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

''(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a perishable agricultural commodity produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin.''; and

(B) by striking subsection (d) and inserting the following:

''(d) AUDIT VERIFICATION SYSTEM.—

''(1) IN GENERAL.—The Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance

with this subtitle (including the regulations promulgated under section 284(b)).

''(2) RECORD REQUIREMENTS.—

''(A) IN GENERAL.—A person subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person, including animal health papers, import or customs documents, or producer affidavits, may serve as such verification.

''(B) PROHIBITION ON REQUIREMENT OF ADDITIONAL RECORDS.—The Secretary may not require a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person.'';

(3) in section 283—

(A) by striking subsections (a) and (c);

(B) by redesignating subsection (b) as subsection (a);

(C) in subsection (a) (as so redesignated), by striking ''retailer'' and inserting ''retailer or person engaged in the business of supplying a covered commodity to a retailer''; and

(D) by adding at the end the following new subsection:

''(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

''(1) not made a good faith effort to comply with section 282, and

''(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation.''.

Subtitle B—Agricultural Fair Practices

SEC. 10101. DEFINITIONS.

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking ''When used in this Act—'' and inserting ''In this Act:'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(B) in subparagraph (D) (as so redesignated), by striking ''clause (1), (2), or (3) of this paragraph'' and inserting ''subparagraphs (A), (B), or (C)'';

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking ''The term 'association of producers' means'' and inserting the following:

''(2) ASSOCIATION OF PRODUCERS.—

''(A) IN GENERAL.—The term 'association of producers' means''; and

(B) by adding at the end the following:

''(B) INCLUSION.—The term 'association of producers' includes an organization of agricultural producers dedicated to promoting the common interest and general welfare of producers of agricultural products.''; and

(7) by adding at the end the following:

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

SEC. 10102. PROHIBITED PRACTICES.

Section 4 of the Agricultural Fair Practices of 1967 (7 U.S.C. 2303) is amended—

(1) by redesignating subsections (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (7), respectively, and indenting appropriately;

(2) in paragraph (1) (as so redesignated)—

(A) by striking ''join and belong'' each place it appears and inserting ''form, join, and belong''; and

(B) by striking ''joining or belonging'' and inserting ''forming, joining, or belonging''; and

(3) by inserting after paragraph (5) (as so redesignated) the following:

''(6) To fail to bargain in good faith with an association of producers; or''.

SEC. 10103. ENFORCEMENT.

The Agricultural Fair Practices Act of 1967 is amended—

(1) by striking sections 5 and 6 (7 U.S.C. 2304, 2305); and

(2) by inserting after section 4 the following:

''SEC. 5. ENFORCEMENT.

''(a) CIVIL ACTIONS BY THE SECRETARY AGAINST HANDLERS.—In any case in which the Secretary has reasonable cause to believe that a handler or group of handlers has engaged in any act or practice that violates this Act, the Secretary may bring a civil action in United States district court by filing a complaint requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the handler.

''(b) CIVIL ACTIONS AGAINST HANDLERS.—

''(1) PREVENTIVE RELIEF.—

''(A) IN GENERAL.—In any case in which any handler has engaged, or there are reasonable grounds to believe that any handler is about to engage, in any act or practice prohibited by this Act, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved in United States district court.

''(B) SECURITY.—The court may provide that no restraining order or preliminary injunction shall issue unless security is provided by the applicant, in such sum as the court determines to be appropriate, for the payment of such costs and damages as may be incurred or suffered by any party that is found to have been wrongfully enjoined or restrained.

''(2) DAMAGES.—

''(A) IN GENERAL.—Any person injured in the business or property of the person by reason of any violation of, or combination or conspiracy to violate, this Act may bring a civil action in United States district court to recover—

''(i) damages sustained by the person as a result of the violation; and

''(ii) any additional penalty that the court may allow, but not more than $1,000 per violation.

''(B) LIMITATION ON ACTIONS.—A civil action under subparagraph (A) shall be barred unless commenced within 4 years after the cause of action accrues.

''(3) ATTORNEYS' FEES.—In any action commenced under paragraph (1) or (2), any person that has violated this Act shall be liable to any person injured as a result of the violation for the full amount of the damages sustained as a result of the violation, including costs of the litigation and reasonable attorneys' fees.

''(c) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States shall—

''(1) have jurisdiction of proceedings instituted pursuant to this section; and

''(2) exercise that jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

''(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be considered to be the act, omission, or failure of the other person.

''(e) RELATIONSHIP TO STATE LAW.—Nothing in this Act—

''(1) changes or modifies State law in effect on the date of enactment of this subsection; or

''(2) deprives a State court of jurisdiction.''.

SEC. 10104. RULES AND REGULATIONS.

The Agricultural Fair Practices Act of 1967 is amended by inserting after section 5 (as added by section 10103) the following:

''SEC. 6. RULES AND REGULATIONS.

''The Secretary may promulgate such rules and regulations as are necessary to carry out this Act, including rules or regulations necessary to clarify what constitutes fair and normal dealing for purposes of the selection of customers by handlers.''.

Subtitle C—Packers and Stockyards

SEC. 10201. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

(a) IN GENERAL.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(1) by striking the title I heading and all that follows through ''This Act'' and inserting the following:

''TITLE I—GENERAL PROVISIONS

''Subtitle A—Definitions

''SEC. 1. SHORT TITLE.

''This Act''; and

(2) by inserting after section 2 (7 U.S.C. 183) the following:

''Subtitle B—Special Counsel for Agricultural Competition

''SEC. 11. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Department of Agriculture an office to be known as the 'Office of Special Counsel for Agricultural Competition' (referred to in this section as the 'Office').

''(2) DUTIES.—The Office shall—

''(A) have responsibility for all duties and functions of the Packers and Stockyards programs of the Department of Agriculture;

''(B) investigate and prosecute violations of this Act and the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(C) serve as a liaison between, and act in consultation with, the Department of Agriculture, the Department of Justice, and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector; and

''(D) maintain a staff of attorneys and other professionals with the appropriate expertise.

''(b) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

''(1) IN GENERAL.—The Office shall be headed by the Special Counsel for Agricultural Competition (referred to in this section as the 'Special Counsel'), who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) INDEPENDENCE OF SPECIAL AUTHORITY.—

''(A) IN GENERAL.—The Special Counsel shall report to and be under the general supervision of the Secretary.

''(B) DIRECTION, CONTROL, AND SUPPORT.—The Special Counsel shall be free from the direction and control of any person in the Department of Agriculture other than the Secretary.

''(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate any duty described in subsection (a)(2) to any other officer or employee of the Department other than the Special Counsel.

''(D) REPORTING REQUIREMENT.—

''(i) IN GENERAL.—Twice each year, the Special Counsel shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that shall include, for the relevant reporting period, a description of—

''(I) the number of complaints that the Special Counsel has received and closed;

''(II)(aa) the number of investigations and civil and administrative actions that the Special Counsel has initiated, carried out, and completed, including the number of notices given to regulated entities for violations of this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(bb) the number and types of decisions agreed to; and

''(cc) the number of stipulation agreements; and

''(III) the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition.

''(ii) REQUIREMENT.—The basis for each complaint, investigation, or civil or administrative action described in a report under clause (i) shall—

''(I) be organized by species; and

''(II) indicate if the complaint, investigation, or civil or administration action was for anti-competitive, unfair, or deceptive practices under this Act or was a violation of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(E) REMOVAL.—

''(i) IN GENERAL.—The Special Counsel may be removed from office by the President.

''(ii) COMMUNICATION.—The President shall communicate the reasons for any such removal to both Houses of Congress.

''(3) PROSECUTORIAL AUTHORITY.—Subject to paragraph (4), the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, any civil or administrative action authorized under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(4) PROCEDURE FOR EXERCISE OF AUTHORITY TO LITIGATE OR APPEAL.—

''(A) IN GENERAL.—Prior to commencing, defending, or intervening in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), the Special Counsel shall give written notification to, and attempt to consult with, the Attorney General with respect to the proposed action.

''(B) FAILURE TO RESPOND.—If, not later than 45 days after the date of provision of notification under subparagraph (A), the Attorney General has failed to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, the action and any appeal of the action in the name of the Special Counsel.

''(C) AUTHORITY OF ATTORNEY GENERAL TO INTERVENE.—Nothing in this paragraph precludes the Attorney General from intervening on behalf of the United States in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), or in any appeal of such action, as may be otherwise provided by law.

''(c) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section modifies or otherwise effects subsections (a) and (b) of section 406.''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Special Counsel for Agricultural Competition.''.

SEC. 10202. INVESTIGATION OF LIVE POULTRY DEALERS.

(a) REMOVAL OF POULTRY SLAUGHTER REQUIREMENT FROM DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended—

(1) by striking paragraph (8) and inserting the following:

''(8) POULTRY GROWER.—

''(A) IN GENERAL.—The term 'poultry grower' means any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, regardless of whether the poultry is owned by the person or by another person.

''(B) EXCLUSION.—The term 'poultry grower' does not include an employee of the owner of live poultry described in subparagraph (A).'';

(2) in paragraph (9), by striking ''and cares for live poultry for delivery, in accord with another's instructions, for slaughter'' and inserting ''or cares for live poultry in accordance with the instructions of another person''; and

(3) in paragraph (10), by striking ''for the purpose of either slaughtering it or selling it for slaughter by another''.

(b) ADMINISTRATIVE ENFORCEMENT AUTHORITY OVER LIVE POULTRY DEALERS.—Sections 203, 204, and 205 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193, 194, 195), are amended by inserting ''or live poultry dealer'' after ''packer'' each place it appears.

(c) AUTHORITY TO REQUEST TEMPORARY INJUNCTION OR RESTRAINING ORDER.—Section 408 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228a), is amended in the first sentence by striking ''on account of poultry'' and inserting ''on account of poultry or poultry care''.

(d) VIOLATIONS BY LIVE POULTRY DEALERS.—

(1) PENALTY.—Section 203(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 193(b)) is amended in the third sentence by striking ''$10,000'' and inserting ''$22,000''.

(2) REPEALS.—Sections 411, 412, and 413 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228b–2, 228b–3, 228b–4)), are repealed.

SEC. 10203. PRODUCTION CONTRACTS.

(a) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) is amended—

(1) by striking ''When used in this Act—'' and inserting ''In this Act:'';

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (15), (6), (8), (9), (10), (13), (11), (12), (7), (2), (16), (17), and (18), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(4) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (5), the text of which is comprised of the term defined in the paragraph;

(5) by inserting before paragraph (2) (as so designated) the following:

''(1) CAPITAL INVESTMENT.—The term 'capital investment' means an investment in—

''(A) a structure, such as a building or manure storage structure; or

''(B) machinery or equipment associated with producing livestock or poultry that has a useful life of more than 1 year.'';

(6) by inserting after paragraph (2) (as so redesignated) the following:

''(3) CONTRACTOR.—

''(A) IN GENERAL.—The term 'contractor' means a person that, in accordance with a production contract, obtains livestock or poultry that is produced by a contract producer.

''(B) INCLUSIONS.—The term 'contractor' includes—

''(i) a live poultry dealer; and

''(ii) a swine contractor.

''(4) CONTRACT PRODUCER.—

''(A) IN GENERAL.—The term 'contract producer' means a producer that produces livestock or poultry under a production contract.

''(B) INCLUSIONS.—The term 'contract producer' includes—

''(i) a poultry grower; and

''(ii) a swine production contract grower.

''(5) INVESTMENT REQUIREMENT.—The term 'investment requirement' means—

''(A) a provision in a production contract that requires a contract producer to make a capital investment associated with producing livestock or poultry that, but for the production contract, the contract producer would not have made; or

''(B) a representation by a contractor that results in a contract producer making a capital investment.''; and

(7) by inserting after paragraph (13) (as so redesignated) the following:

''(14) PRODUCTION CONTRACT.—

''(A) IN GENERAL.—The term 'production contract' means a written agreement that provides for—

''(i) the production of livestock or poultry by a contract producer; or

''(ii) the provision of a management service relating to the production of livestock or poultry by a contract producer.

''(B) INCLUSIONS.—The term 'production contract' includes—

''(i) a poultry growing arrangement;

''(ii) a swine production contract;

''(iii) any other contract between a contractor and a contract producer for the production of livestock or poultry; and

''(iv) a contract between a live poultry dealer and poultry grower, swine contractor and swine production contract grower, or contractor and contract producer for the provision of a management service in the production of livestock or poultry.''.

(b) PROHIBITIONS INVOLVING PRODUCTION CONTRACTS.—Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 198 et seq.), is amended by adding at the end the following:

''SEC. 208. PRODUCTION CONTRACTS.

''(a) RIGHT OF CONTRACT PRODUCERS TO CANCEL PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—A contract producer may cancel a production contract by mailing a cancellation notice to the contractor not later than the later of—

''(A) the date that is 3 business days after the date on which the production contract is executed; or

''(B) any cancellation date specified in the production contract.

''(2) DISCLOSURE.—A production contract shall clearly disclose—

''(A) the right of the contract producer to cancel the production contract;

''(B) the method by which the contract producer may cancel the production contract; and

''(C) the deadline for canceling the production contract.

''(b) PRODUCTION CONTRACTS INVOLVING INVESTMENT REQUIREMENTS.—

''(1) APPLICABILITY.—This subsection applies only to a production contract between a contract producer and a contractor if the contract producer detrimentally relied on a

representation by the contractor or a provision in the production contract that resulted in the contract producer making a capital investment of $100,000 or more.

''(2) RESTRICTIONS ON CONTRACT TERMINATION.—

''(A) NOTICE OF TERMINATION.—Except as provided in subparagraph (C), a contractor shall not terminate or cancel a production contract unless the contractor provides the contract producer with written notice of the intention of the contractor to terminate or cancel the production contract at least 90 days before the effective date of the termination or cancellation.

''(B) REQUIREMENTS.—The written notice required under subparagraph (A) shall include alleged causes of the termination.

''(C) EXCEPTIONS.—A contractor may terminate or cancel a production contract at any time without notice as required under subparagraph (A) if the basis for the termination or cancellation is—

''(i) a voluntary abandonment of the contractual relationship by the contract producer, such as a failure of the contract producer to substantially perform under the production contract;

''(ii) the conviction of the contract producer of an offense of fraud or theft committed against the contractor;

''(iii) the natural end of the production contract in accordance with the terms of the production contract; or

''(iv) because the well-being of the livestock or poultry subject to the contract is in jeopardy once under the care of the contract producer.

''(D) RIGHT TO CURE.—

''(i) IN GENERAL.—If, not later than 90 days after the date on which the contract producer receives written notice under subparagraph (A), the contract producer remedies each cause of the breach of contract alleged in the written notice, the contractor may not terminate or cancel a production contract under this paragraph.

''(ii) NO ADMISSION OF BREACH.—The remedy or attempt to remedy the causes for the breach of contract by the contract producer under clause (i) does not constitute an admission of breach of contract.

''(c) ADDITIONAL CAPITAL INVESTMENTS IN PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—A contractor shall not require a contract producer to make additional capital investments in connection with a production contract that exceed the initial investment requirements of the production contract.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1), a contractor may require additional capital investments if—

''(A)(i) the additional capital investments are offset by reasonable additional consideration, including compensation or a modification to the terms of the production contract; and

''(ii) the contract producer agrees in writing that there is acceptable and satisfactory consideration for the additional capital investment; or

''(B) without the additional capital investments the well-being of the livestock or poultry subject to the contract would be in jeopardy.

''(d) NO EFFECT ON STATE LAW.—Nothing in this section preempts or otherwise affects any State law relating to production contracts that establishes a requirement or standard that is more stringent than a requirement or standard under this section.

''SEC. 209. CHOICE OF LAW, JURISDICTION, AND VENUE.

''(a) CHOICE OF LAW.—Any provision in a livestock or poultry production or marketing contract requiring the application of the law of a State other than the State in which the production occurs is void and unenforceable.

''(b) JURISDICTION.—A packer, live poultry dealer, or swine contractor that enters into a production or marketing contract with a producer shall be subject to personal jurisdiction in the State in which the production occurs.

''(c) VENUE.—Venue shall be determined on the basis of the location of the production, unless the producer selects a venue that is otherwise permitted by law.

''(d) APPLICATION.—This section shall apply to any production or marketing contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this section.

''SEC. 210. ARBITRATION.

''(a) IN GENERAL.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(b) APPLICATION.—Subsection (a) shall apply to any contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this section.''.

SEC. 10204. RIGHT TO DISCUSS TERMS OF CONTRACT.

Section 10503(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 229b(b)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(8) a business associate of the party; or

''(9) a neighbor of the party or other producer.''.

SEC. 10205. ATTORNEYS' FEES.

Section 308(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 209(a)) is amended by inserting before the period at the end the following: ''and for the costs of the litigation, including reasonable attorneys' fees''.

SEC. 10206. APPOINTMENT OF OUTSIDE COUNSEL.

Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), is amended—

(1) in subsection (a), by inserting ''obtain the services of attorneys who are not employees of the Federal Government,'' before ''and make such expenditures''; and

(2) in subsection (c), by striking ''Senate Committee on Agriculture and Forestry'' and inserting ''the Committee on Agriculture, Nutrition, and Forestry of the Senate''.

SEC. 10207. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), 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) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

''(1) an arrangement entered into within 14 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

''(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(4) a packer that owns 1 livestock processing plant; or''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary.

SEC. 10208. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement the amendments made by this title, including—

(1) regulations providing a definition of the term ''unreasonable preference or advantage'' for purposes of section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)); and

(2) regulations requiring live poultry dealers to provide written notice to poultry growers if the live poultry dealer imposes an extended layout period in excess of 30 days, prior to removal of the previous flock.

(b) REQUIREMENTS.—Regulations promulgated pursuant to subsection (a)(1) relating to unreasonable preference or advantage shall strictly prohibit any preferences or advantages based on the volume of business, except for preferences or advantages that reflect actual, verifiable lower costs (including transportation or other costs), as determined by the Secretary, of procuring livestock from larger-volume producers.

Subtitle D—Related Programs

SEC. 10301. SENSE OF CONGRESS REGARDING PSEUDORABIES ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the Secretary should recognize the threat that feral swine pose to the domestic swine population and the entire livestock industry;

(2) keeping the United States commercial swine herd free of pseudorabies is essential to maintaining and growing pork export markets;

(3) pseudorabies surveillance funding is necessary to assist the swine industry in the monitoring, surveillance, and eradication of pseudorabies, including the monitoring and surveillance of other diseases effecting swine production and trade; and

(4) pseudorabies eradication is a high priority that the Secretary should carry out under the Animal Health Protection Act (7 U.S.C. 8301 et seq.).

SEC. 10302. SENSE OF CONGRESS REGARDING CATTLE FEVER TICK ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of cattle; and

(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the Secretary should carry out—

(A) to prevent the entry of cattle fever ticks into the United States;

(B) to enhance and maintain an effective surveillance program to rapidly detect any fever tick incursions; and

(C) to research, identify, and procure the tools and knowledge necessary to prevent and eradicate cattle ticks in the United States.

SEC. 10303. NATIONAL SHEEP AND GOAT INDUSTRY IMPROVEMENT CENTER.

(a) NAME CHANGE.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended—

(1) in the section heading, by inserting ''AND GOAT'' after ''NATIONAL SHEEP''; and

(2) by inserting ''and Goat'' after ''National Sheep'' each place it appears.

(b) FUNDING.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for fiscal year 2008, to remain available until expended.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

(c) REPEAL OF REQUIREMENT TO PRIVATIZE REVOLVING FUND.—

(1) IN GENERAL.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by striking subsection (j).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on May 1, 2007.

SEC. 10304. TRICHINAE CERTIFICATION PROGRAM.

Section 10409 of the Animal Health Protection Act (7 U.S.C. 8308) is amended by adding at the end the following:

''(c) TRICHINAE CERTIFICATION PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall issue final regulations to implement a trichinae certification program.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $1,250,000 for each of fiscal years 2008 through 2012.''.

SEC. 10305. PROTECTION OF INFORMATION IN THE ANIMAL IDENTIFICATION SYSTEM.

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended—

(1) by redesignating sections 10416 through 10418 as sections 10417 through 10419, respectively; and

(2) by inserting after section 10415 the following:

''SEC. 10416. DISCLOSURE OF INFORMATION UNDER A NATIONAL ANIMAL IDENTIFICATION SYSTEM.

''(a) DEFINITION OF NATIONAL ANIMAL IDENTIFICATION SYSTEM.—In this section, the term 'national animal identification system' means a system for identifying or tracing animals that is established by the Secretary.

''(b) PROTECTION FROM DISCLOSURE.—

''(1) IN GENERAL.—Information obtained through a national animal identification system shall not be disclosed except as provided in this section.

''(2) USE.—Use of information described in paragraph (1) by any individual or entity except as otherwise provided in this section shall be considered a violation of this Act.

''(3) WAIVER OF PRIVILEGE OF PROTECTION.—The provision of information to a national animal identification system under this section or the disclosure of information pursuant to this section shall not constitute a waiver of any applicable privilege or protection under Federal law, including protection of trade secrets.

''(c) LIMITED RELEASE OF INFORMATION.—The Secretary may disclose information obtained through a national animal identification system if—

''(1) the Secretary determines that livestock may be threatened by a disease or pest;

''(2) the release of the information is related to an action the Secretary may take under this subtitle; and

''(3) the Secretary determines that the disclosure of the information to a government entity or person is necessary to assist the Secretary in carrying out this subtitle or a national animal identification system.

''(d) REQUIRED DISCLOSURE OF INFORMATION.—The Secretary shall disclose information obtained through a national animal identification system regarding particular animals to—

''(1) the person that owns or controls the animals, if the person requests the information in writing;

''(2) the State Department of Agriculture for the purpose of protection of animal health;

''(3) the Attorney General for the purpose of law enforcement;

''(4) the Secretary of Homeland Security for the purpose of homeland security;

''(5) the Secretary of Health and Human Services for the purpose of protecting public health;

''(6) an entity pursuant to an order of a court of competent jurisdiction; and

''(7) the government of a foreign country if disclosure of the information is necessary to trace animals that pose a disease or pest threat to livestock or a danger to human health, as determined by the Secretary.

''(e) DISCLOSURE UNDER STATE OR LOCAL LAW.—Any information relating to animal identification that a State or local government obtains from the Secretary shall not be made available by the State or local government pursuant to any State or local law requiring disclosure of information or records to the public.

''(f) REPORTING REQUIREMENT.—To disclose information under this section, the Secretary shall—

''(1) certify that the disclosure was necessary under this section; and

''(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the certification.''.

SEC. 10306. LOW PATHOGENIC AVIAN INFLUENZA.

Sec. 10407(d)(2) of the Animal Health Protection Act (7 U.S.C. 8306(d)(2)) is amended—

(1) in subparagraph (A), by striking ''subparagraphs (B) and (C),'' and inserting ''subparagraphs (B), (C), and (D),'';

(2) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) LOW PATHOGENIC AVIAN INFLUENZA.—

''(i) DEFINITION OF ELIGIBLE COSTS.—In this subparagraph, the term 'eligible costs' means costs determined eligible for indemnity under part 56 of title 9, Code of Federal Regulations, as in effect on the date of enactment of this clause.

''(ii) INDEMNITIES.—Subject to subparagraphs (B) and (D), compensation to any owner or contract grower of poultry participating in the voluntary control program for low pathogenic avian influenza under the National Poultry Improvement Plan, and payments to cooperating State agencies, shall be made in an amount equal to 100 percent of the eligible costs.''.

SEC. 10307. STUDY ON BIOENERGY OPERATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Office of the Chief Economist, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the potential economic issues (including potential costs) associated with animal manure used in normal agricultural operations and as a feedstock in bioenergy production.

SEC. 10308. SENSE OF THE SENATE ON INDEMNIFICATION OF LIVESTOCK PRODUCERS.

It is the sense of the Senate that the Secretary should partner with the private insurance industry to implement an approach for expediting the indemnification of livestock producers in the case of catastrophic disease outbreaks.

TITLE XI—MISCELLANEOUS

Subtitle A—Agricultural Security

SEC. 11011. DEFINITIONS.

In this subtitle:

(1) AGENT.—The term ''agent'' means a nuclear, biological, or chemical substance that causes an agricultural disease.

(2) AGRICULTURAL BIOSECURITY.—The term ''agricultural biosecurity'' means protection from an agent that poses a threat to—

(A) plant or animal health;

(B) public health, with respect to direct exposure to an agricultural disease; or

(C) the environment, with respect to agriculture facilities, farmland, air, and water in the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) AGRICULTURAL COUNTERMEASURE.—

(A) IN GENERAL.—The term ''agricultural countermeasure'' means a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States.

(B) EXCLUSIONS.—The term ''agricultural countermeasure'' does not include any product, practice, or technology used solely for human medical incidents or public health emergencies not related to agriculture.

(4) AGRICULTURAL DISEASE.—The term ''agricultural disease'' has the meaning given the term by the Secretary.

(5) AGRICULTURAL DISEASE EMERGENCY.—The term ''agricultural disease emergency'' means an incident of agricultural disease in which the Secretary, the Secretary of Homeland Security, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency (or the heads of other applicable Federal departments or agencies), as appropriate, determines that prompt action is needed to prevent significant damage to people, plants, or animals.

(6) AGRICULTURE.—The term ''agriculture'' means—

(A) the science and practice of activities relating to food, feed, fiber, and energy production, processing, marketing, distribution, use, and trade;

(B) nutrition, food science and engineering, and agricultural economics;

(C) forestry, wildlife science, fishery science, aquaculture, floriculture, veterinary medicine, and other related natural resource sciences; and

(D) research and development activities relating to plant- and animal-based products.

(7) AGROTERRORIST ACT.—The term ''agroterrorist act'' means an act that—

(A) causes or attempts to cause—

(i) damage to agriculture; or

(ii) injury to a person associated with agriculture; and

(B) is committed—

(i) to intimidate or coerce; or

(ii) to disrupt the agricultural industry.

(8) ANIMAL.—The term ''animal'' means any member of the animal kingdom (except a human).

(9) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(10) DEVELOPMENT.—The term ''development'' means—

(A) research leading to the identification of products or technologies intended for use as agricultural countermeasures;

(B) the formulation, production, and subsequent modification of those products or technologies;

(C) the conduct of preclinical and clinical studies;

(D) the conduct of field, efficacy, and safety studies;

(E) the preparation of an application for marketing approval for submission to applicable agencies; and

(F) other actions taken by an applicable agency in a case in which an agricultural countermeasure is procured or used prior to issuance of a license or other form of approval.

(11) DIRECTOR.—The term ''Director'' means the Director for Homeland Security of the Department appointed under section 11022(d)(2).

(12) HSPD–5.—The term ''HSPD–5'' means the Homeland Security Presidential Directive 5, dated February 28, 2003 (relating to a comprehensive national incident management system).

(13) HSPD–7.—The term ''HSPD–7'' means the Homeland Security Presidential Directive 7, dated December 17, 2003 (relating to a national policy for Federal departments and agencies to identify and prioritize critical infrastructure and key resources and to protect the infrastructure and resources from terrorist attacks).

(14) HSPD–8.—The term ''HSPD–8'' means the Homeland Security Presidential Directive 8, dated December 17, 2003 (relating to the establishment of a national policy to strengthen the preparedness of the United States to prevent and respond to domestic terrorist attacks, major disasters, and other emergencies).

(15) HSPD–9.—The term ''HSPD–9'' means the Homeland Security Presidential Directive 9, dated January 30, 2004 (relating to the establishment of a national policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies).

(16) HSPD–10.—The term ''HSPD–10'' means the Homeland Security Presidential Directive 10, dated April 28, 2004 (relating to the establishment of a national policy relating to the biodefense of the United States).

(17) OFFICE.—The term ''Office'' means the Office of Homeland Security of the Department established by section 11022(d)(1).

(18) OTHER APPLICABLE FEDERAL DEPARTMENTS OR AGENCIES.—The term ''other applicable Federal departments or agencies'' means Federal departments or agencies that have a role, as determined by the Secretary of Homeland Security, in determining the need for prompt action against an agricultural disease emergency, including—

(A) the Executive departments identified in section 101 of title 5, United States Code;

(B) government corporations (as defined in section 103 of title 5, United States Code); and

(C) independent establishments (as defined in section 104(1) of title 5, United States Code).

(19) PLANT.—

(A) IN GENERAL.—The term ''plant'' means any plant (including any plant part) for or capable of propagation.

(B) INCLUSIONS.—The term ''plant'' includes—

(i) a tree;

(ii) a tissue culture;

(iii) a plantlet culture;

(iv) pollen;

(v) a shrub;

(vi) a vine;

(vii) a cutting;

(viii) a graft;

(ix) a scion;

(x) a bud;

(xi) a bulb;

(xii) a root; and

(xiii) a seed.

(20) QUALIFIED AGRICULTURAL COUNTERMEASURE.—The term ''qualified agricultural countermeasure'' means an agricultural countermeasure that the Secretary, in consultation with the Secretary of Homeland Security, determines to be a priority in order to address an agricultural biosecurity threat from—

(A) an agent placed on the Select Agents and Toxins list of the Department;

(B) an agent placed on the Plant Protection and Quarantine Select Agents and Toxins list of the Department; or

(C) an applicable agent placed on the Overlap Select Agents and Toxins list of the Department and the Department of Health and Human Services, in accordance with—

(i) part 331 of title 7, Code of Federal Regulations; and

(ii) part 121 of title 9, Code of Federal Regulations.

(21) ROUTINE AGRICULTURAL DISEASE EVENT.—The term ''routine agricultural disease event'' has the meaning given the term by the Secretary.

PART I—GENERAL AUTHORITY AND INTERAGENCY COORDINATION

SEC. 11021. POLICY.

(a) EFFECT OF PART.—Nothing in this part alters or otherwise impedes—

(1) any authority of the Department or other applicable Federal departments and agencies to perform the responsibilities provided to the Department or other applicable Federal departments and agencies pursuant to Federal law; or

(2) the ability of the Secretary to carry out this part.

(b) COOPERATION.—The Secretary shall cooperate with the Secretary of Homeland Security with respect to the responsibilities of the Secretary of Homeland Security and applicable presidential guidance, including HSPD–5, HSPD–7, HSPD–8, HSPD–9, and HSPD–10.

SEC. 11022. INTERAGENCY COORDINATION.

(a) LEADERSHIP.—The Secretary of Homeland Security shall serve as the principal Federal official to lead, coordinate, and integrate, to the maximum extent practicable, efforts by Federal departments and agencies, State, local, and tribal governments, and the private sector to enhance the protection of critical infrastructure and key resources of the agriculture and food system.

(b) SECTOR-SPECIFIC AGENCY.—

(1) IN GENERAL.—In accordance with guidance provided by the Secretary of Homeland Security under subsection (a)—

(A) the Secretary shall serve as the sector-specific lead official on efforts described in subsection (a) relating to agriculture, agricultural disease, meat, poultry, and egg food products, and for efforts relating to authorities pursuant to the Animal Health Protection Act (7 U.S.C. 8301 et seq.) and the Plant Protection Act (7 U.S.C. 7701 et seq.); and

(B) the Secretary shall work in coordination with the Secretary of Health and Human Services during any incident relating to a zoonotic disease in which the applicable agent originated—

(i) as an agricultural disease; or

(ii) from a plant or animal population directly related to agriculture.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection impedes any authority of the Secretary of Homeland Security as the principal Federal official for domestic incident management pursuant to HSPD–5.

(c) COORDINATION OF RESPONSE.—

(1) ROUTINE AGRICULTURAL DISEASE EVENTS.—To the maximum extent practicable, the Secretary shall work in consultation with the Secretary of Homeland Security in response to any routine domestic incident relating to a potential or actual agricultural disease.

(2) AGRICULTURAL BIOSECURITY THREATS.—If a routine domestic incident of agricultural disease is determined by the Secretary or the Secretary of Homeland Security to pose a significant threat to the agricultural biosecurity of the United States, the Secretary of Homeland Security shall serve as the principal Federal official to lead and coordinate the appropriate Federal response to the incident.

(d) OFFICE OF HOMELAND SECURITY.—

(1) ESTABLISHMENT.—There is established in the Department the Office of Homeland Security.

(2) DIRECTOR.—The Secretary shall appoint as the head of the Office a Director for Homeland Security.

(3) RESPONSIBILITIES.—The Director shall be responsible for—

(A) coordinating all homeland security activities of the Department, including integration and coordination, in consultation with the Office of Emergency Management and Homeland Security of the Animal and Plant Health Inspection Service and the Office of Food Defense and Emergency Response of the Food Safety and Inspection Service, of interagency emergency response plans for—

(i) agricultural disease emergencies;

(ii) agroterrorist acts; or

(iii) other threats to agricultural biosecurity;

(B) acting as the primary liaison on behalf of the Department with other Federal agencies on coordination efforts and interagency activities pertaining to agricultural biosecurity;

(C) advising the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security; and

(D) providing to State and local government officials timely updates and actionable information about threats, incidents, potential protective measures, and best practices relevant to homeland security issues in agriculture.

(4) AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.—

(A) ESTABLISHMENT.—The Secretary shall establish in the Department a central communication center—

(i) to collect and disseminate information regarding, and prepare for, agricultural disease emergencies, agroterrorist acts, and other threats to agricultural biosecurity; and

(ii) to coordinate the activities described in clause (i) among agencies and offices within the Department.

(B) RESPONSE.—Any response by the Secretary to an agricultural threat to agricultural biosecurity shall be carried out under the direction of the Secretary of Homeland Security, in accordance with subsection (c).

(C) AUTHORITY OF THE SECRETARY.—In establishing the central communication center under subparagraph (A), the Secretary may use the existing resources and infrastructure of the Emergency Operations Center of the Animal and Plant Health Inspection Service located in Riverdale, Maryland.

(D) RELATION TO EXISTING DEPARTMENT OF HOMELAND SECURITY COMMUNICATION SYSTEMS.—

(i) CONSISTENCY AND COORDINATION.—The center established under subparagraph (A) shall, to the maximum extent practicable, share and coordinate the dissemination of timely information with—

(I) the National Operations Center and the National Coordinating Center of the Department of Homeland Security; and

(II) other appropriate Federal communication systems, as determined by the Secretary of Homeland Security.

(ii) AVOIDING REDUNDANCIES.—Nothing in this paragraph impedes, conflicts with, or duplicates any activity carried out by—

(I) the National Biosurveillance Integration Center of the Department of Homeland Security;

(II) the National Response Coordination Center of the Department of Homeland Security;

(III) the National Infrastructure Coordination Center of the Department of Homeland Security; or

(IV) any other communication system under the authority of the Secretary of Homeland Security.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

SEC. 11023. SUBMISSION OF INTEGRATED FOOD DEFENSE PLAN.

Consistent with HSPD–9, the Secretary, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall submit to the President and Congress an integrated plan for the defense of the food system of the United States.

SEC. 11024. TRANSFER OF CERTAIN AGRICULTURAL INSPECTION FUNCTIONS OF DEPARTMENT.

(a) DEFINITION OF FUNCTION.—In this section, the term ''function'' does not include any quarantine activity carried out under the laws specified in subsection (c).

(b) TRANSFER OF AGRICULTURAL IMPORT AND ENTRY INSPECTION FUNCTIONS.—There shall be transferred to the Secretary of Homeland Security the functions of the Secretary relating to agricultural import and entry inspection activities under the laws specified in subsection (c).

(c) COVERED ANIMAL AND PLANT PROTECTION LAWS.—The laws referred to in subsection (a) are the following:

(1) The eighth paragraph under the heading ''BUREAU OF ANIMAL INDUSTRY'' in the Act of March 4, 1913 (commonly known as the ''Virus-Serum-Toxin Act'') (21 U.S.C. 151 et seq.).

(2) Section 1 of the Act of August 31, 1922 (commonly known as the ''Honeybee Act'') (7 U.S.C. 281).

(3) Title III of the Federal Seed Act (7 U.S.C. 1581 et seq.).

(4) The Plant Protection Act (7 U.S.C. 7701 et seq.).

(5) The Animal Health Protection Act (7 U.S.C. 8301 et seq.).

(6) The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

(7) Section 11 of the Endangered Species Act of 1973 (16 U.S.C. 1540).

(d) COORDINATION OF REGULATIONS.—

(1) COMPLIANCE WITH DEPARTMENT REGULATIONS.—The authority transferred pursuant to subsection (b) shall be exercised by the Secretary of Homeland Security in accordance with the regulations, policies, and procedures issued by the Secretary regarding the administration of the laws specified in subsection (c).

(2) RULEMAKING COORDINATION.—The Secretary shall coordinate with the Secretary of Homeland Security in any case in which the Secretary prescribes regulations, policies, or procedures for administering the functions transferred under subsection (b) under a law specified in subsection (c).

(3) EFFECTIVE ADMINISTRATION.—The Secretary of Homeland Security, in consultation with the Secretary, may issue such directives and guidelines as are necessary to ensure the effective use of personnel of the Department of Homeland Security to carry out the functions transferred pursuant to subsection (b).

(e) TRANSFER AGREEMENT.—

(1) AGREEMENT.—

(A) IN GENERAL.—Before the end of the transition period (as defined in section 1501 of the Homeland Security Act of 2002 (6 U.S.C. 541)), the Secretary and the Secretary of Homeland Security shall enter into an agreement to effectuate the transfer of functions required by subsection (b).

(B) REVISION.—The Secretary and the Secretary of Homeland Security may jointly revise the agreement as necessary after that transition period.

(2) REQUIRED TERMS.—The agreement required by this subsection shall specifically address the following:

(A) The supervision by the Secretary of the training of employees of the Secretary of Homeland Security to carry out the functions transferred pursuant to subsection (b).

(B) The transfer of funds to the Secretary of Homeland Security under subsection (f).

(3) COOPERATION AND RECIPROCITY.—The Secretary and the Secretary of Homeland Security may include as part of the agreement the following:

(A) Authority for the Secretary of Homeland Security to perform functions delegated to the Animal and Plant Health Inspection Service of the Department regarding the protection of domestic livestock and plants, but not transferred to the Secretary of Homeland Security pursuant to subsection (b).

(B) Authority for the Secretary to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(f) PERIODIC TRANSFER OF FUNDS TO DEPARTMENT OF HOMELAND SECURITY.—

(1) TRANSFER OF FUNDS.—Out of funds collected by fees authorized under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a), the Secretary shall transfer, from time to time in accordance with the agreement under subsection (e), to the Secretary of Homeland Security funds for activities carried out by the Secretary of Homeland Security for which the fees were collected.

(2) LIMITATION.—The proportion of fees collected pursuant to those sections that are transferred to the Secretary of Homeland Security under this subsection may not exceed the proportion of the costs incurred by the Secretary of Homeland Security to all costs incurred to carry out activities funded by the fees.

(g) TRANSFER OF DEPARTMENT EMPLOYEES.—Not later than the completion of the transition period (as defined in section 1501 of the Homeland Security Act of 2002 (6 U.S.C. 541)), the Secretary shall transfer to the Secretary of Homeland Security not more than 3,200 full-time equivalent positions of the Department.

(h) EFFECT OF TRANSFER.—

(1) EXISTING AUTHORITY.—Nothing in the transfer of functions under subsection (b) preempts any authority of the Department as described in section 11022(b)(1).

(2) LIMITATION ON TRANSFER.—

(A) IMPORTS.—The Secretary shall retain responsibility for all other activities of the Agricultural Quarantine and Inspection Program regarding imports, including activities relating to—

(i) preclearance of commodities;

(ii) trade protocol verification;

(iii) fumigation;

(iv) quarantine;

(v) diagnosis;

(vi) eradication;

(vii) indemnification; and

(viii) other sanitary and phytosanitary measures carried out pursuant to the Animal Health Protection Act (7 U.S.C. 8301 et seq.) and the Plant Protection Act (7 U.S.C. 7701 et seq.).

(B) EXPORT, INTERSTATE, AND INTRASTATE ACTIVITIES.—The Department shall retain responsibility for all functions regarding export, interstate, and intrastate activities.

(C) TRAINING.—The Department shall retain responsibility for all agricultural inspection training.

(i) CONFORMING AMENDMENT.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is amended by striking ''**SEC. 421**'' and all that follows through ''(h) PROTECTION OF INSPECTION ANIMALS.—Title V'' and inserting the following:

''SEC. 421. PROTECTION OF INSPECTION ANIMALS.

''Title V''.

PART II—AGRICULTURAL QUARANTINE INSPECTION PROGRAM IMPROVEMENT

SEC. 11031. DEFINITIONS.

In this part:

(1) PROGRAM.—The term ''program'' means the agricultural quarantine inspection program.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

SEC. 11032. JOINT TASK FORCE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Secretary of Homeland Security shall establish a Joint Task Force to provide coordinated central planning for the program.

(b) COMPOSITION.—The Joint Task Force shall be composed of employees of the Animal and Plant Health Inspection Service and Customs and Border Protection of the Department of Homeland Security, appointed by the Secretary and the Secretary of Homeland Security, respectively.

(c) DUTIES.—The Joint Task Force shall—

(1) prepare, and not less than biannually revise as necessary, a strategic plan for the program;

(2) establish performance measures that accurately gauge the success of the program;

(3) establish annual operating goals and plans for the program at national, regional, and port levels;

(4) establish and regularly revise as necessary a training program to ensure that all employees of Customs and Border Protection involved in agricultural inspection and quarantine activities have the skills, knowledge, and abilities necessary to protect the agricultural biosecurity of the United States;

(5) ensure effective and regular communications with all stakeholders under the program;

(6) maintain effective and regular communication between the Animal and Plant Health Inspection Service and Customs and Border Protection in carrying out the program;

(7) establish and carry out mechanisms to collect data to inform program planning and decisionmaking under the program;

(8) ensure access for employees of the Animal and Plant Health Inspection Service who, as determined by the Secretary, in consultation with the Secretary of Homeland Security—

(A) have met all applicable Customs and Border Protection security-related requirements; and

(B) to adequately perform the duties of the employees, require access to—

(i) each secure area of any terminal for screening passengers or cargo; and

(ii) each database relating to cargo manifests or any databases that may relate to the program;

(9) ensure the ability of the program to operate in case of emergencies; and

(10) establish a quality assurance program for the program, with performance standards and regular reviews of each port of entry to determine compliance with the quality standards.

SEC. 11033. ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of Homeland Security shall establish a board to be known as the ''Agricultural Quarantine Inspection Program Advisory Board'' (referred to in this section as the ''Advisory Board'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Board shall consist of 11 members representing the Federal Government, State governments, and stakeholders, including—

(A) 2 members representing the Department, appointed by the Secretary, who shall serve as cochairperson of the Advisory Board;

(B) 1 member representing the Department of Homeland Security, appointed by the Secretary of Homeland Security, who shall serve as cochairperson of the Advisory Board;

(C) 1 member representing Customs and Border Protection agriculture specialists, appointed by the Secretary of Homeland Security, who shall serve as cochairperson of the Advisory Board;

(D) 1 member representing the National Plant Board, appointed by the Secretary based on nominations submitted by the Board;

(E) 1 member representing the United States Animal Health Association, appointed by the Secretary based on 1 or more nominations submitted by the Association;

(F) 1 member representing the National Association of State Departments of Agriculture, appointed by the Secretary based on 1 or more nominations submitted by the Association;

(G) 2 members representing stakeholders of organizations, associations, societies, councils, federations, groups, and companies, appointed by the Secretary from 2 or more nominations submitted by the stakeholders; and

(H) 2 members representing stakeholders of organizations, associations, societies, councils, federations, groups, and companies, appointed by the Secretary of Homeland Security from 2 or more nominations submitted by the stakeholders.

(2) TERMS OF SERVICE.—The term of a member of the Advisory Board shall be 2 years, except that, of the members initially appointed to the Board, the term of ½ of the members (as determined jointly by the Secretary and the Secretary of Homeland Security) shall be 1 year.

(c) DUTIES.—The Advisory Board shall—

(1) advise the Secretary and the Secretary of Homeland Security—

(A) on policies and other issues related to the mission of the program; and

(B) on appropriate mechanisms to ensure that interested stakeholders in the agriculture industry, State and local governments, and the general public have formal opportunities to provide comments on the program; and

(2) in the case of the cochairpersons of the Advisory Board—

(A) coordinate the advice and concerns of the members of the Advisory Board; and

(B) at least twice a year, submit the views of the Advisory Board to the Secretary and the Secretary of Homeland Security.

(d) MEETINGS.—The meetings of the Advisory Board shall take place at least twice a year, with the option of conducting the meetings in Washington, District of Columbia, and a Customs and Border Protection port on an alternating basis.

SEC. 11034. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter through September 30, 2012, the Administrator of the Animal and Plant Health Inspection Service and the Commissioner of Customs and Border Protection, shall jointly submit to the committees described in subsection (b) a report on—

(1) the resource needs for import and entry agricultural inspections, including the number of inspectors required;

(2) the adequacy of inspection and monitoring procedures and facilities in the United States;

(3) new and emerging technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspections; and

(4) questions or concerns raised by the Joint Task Force established under section 11032 and by the Agricultural Quarantine Inspection Program Advisory Board established under section 11033.

(b) COMMITTEES.—The Secretary and the Secretary of Homeland Security shall jointly submit the report required under subsection (a) to—

(1) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(2) the Committee on Agriculture of the House of Representatives;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(4) the Committee on Homeland Security of the House of Representatives.

(c) SATISFACTION OF REQUIREMENT.—The Administrator of the Animal and Plant Health Inspection Service and the Commissioner of Customs and Border Protection may satisfy the reporting requirement described in subsection (a) by submitting to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of each relevant provision relating to appropriations or authorization requests for the applicable fiscal year.

SEC. 11035. PORT RISK COMMITTEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Homeland Security shall jointly create Port Risk Committees to service the agriculture mission for each port of entry into the United States that the Secretary of Homeland Security, in consultation with the Secretary, determines to be appropriate.

(b) MEMBERSHIP.—Each Committee may include representatives from—

(1) the Animal and Plant Health Inspection Service, appointed by the Secretary;

(2) Customs and Border Protection, appointed by the Secretary of Homeland Security;

(3) the Department of Health and Human Services, appointed by the Secretary of Health and Human Services;

(4) State and local governments, appointed jointly by the Secretary, the Secretary of Homeland Security, and the Secretary of Health and Human Services; and

(5) other stakeholders, appointed jointly by the Secretary, the Secretary of Homeland Security, and the Secretary of Health and Human Services, who shall—

(A) act as nonvoting members of the Committee; and

(B) only observe and provide information and comments with respect to activities of the Committee.

(c) DUTIES.—Each Committee shall examine issues affecting the local port of entry of the Committee to determine actions necessary to mitigate risks of threats to the agricultural biosecurity of the United States.

(d) REPORT.—The Committees shall report regularly to regional-level officials of the Animal and Plant Health Inspection Service and to field office officials of Customs and Border Protection.

SEC. 11036. EMERGENCY RESPONSE PLANNING AT PORTS OF ENTRY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Homeland Security shall develop a comprehensive plan to identify and deploy trained and certified personnel in emergency response activities.

(b) PLAN.—The plan shall include a strategy for rapid identification and deployment of resources and a standard operating procedure to implement when significant agricultural pests and diseases are detected at ports of entry.

(c) CONTINUITY OF OPERATIONS PLANS.—The Secretary and the Secretary of Homeland Security, acting through Customs and Border Protection, shall coordinate and share national continuity of operations plans and plans for ports of entry.

SEC. 11037. PLANT PEST IDENTIFICATION JOINT PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Homeland Security shall prepare a joint plan to establish standards of service for—

(1) plant pest and disease identification;

(2) inspection techniques training; and

(3) discard authority.

(b) CONTENTS.—The plan shall—

(1) formalize plant pest and disease identification and inspection training of Customs and Border Protection agriculture specialists for all pathways, including conveyances, passengers, cargo, mail, and rail; and

(2) establish performance-related criteria for the appropriate Department of Homeland Security personnel to enable enhanced discard authority and improve plant pest and disease interception.

SEC. 11038. LIAISON OFFICER POSITIONS.

(a) CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—The Secretary shall establish a program liaison officer position who is physically located in the same building as the highest ranking Customs and Border Protection official with primary responsibility for the agricultural inspection functions of Customs and Border Protection.

(2) EMPLOYEE.—The liaison officer shall be an employee of the Animal and Plant Health Inspection Service.

(3) SPACE AND STAFF.—Customs and Border Protection shall provide appropriate space for the liaison officer and commensurate support staff.

(4) EXPENSES.—The Secretary shall bear all costs for salary, benefits, and other expenses of the liaison officer.

(b) ANIMAL AND PLANT HEALTH INSPECTION SERVICE.—

(1) IN GENERAL.—The Secretary, acting through Customs and Border Protection, shall establish a program liaison officer position who is physically located in the same building as the highest ranking Animal and Plant Health Inspection Service official with primary responsibility for the agricultural inspection functions of the Service.

(2) EMPLOYEE.—The liaison officer shall be an employee of Customs and Border Protection.

(3) SPACE AND STAFF.—The Animal and Plant Health Inspection Service shall provide appropriate space for the liaison officer and commensurate support staff.

(4) EXPENSES.—Customs and Border Protection shall bear all costs for salary, benefits, and other expenses of the liaison officer.

(c) COMMUNICATIONS.—The liaison officers shall ensure daily communication between designated officials of the Animal and Plant Health Inspection Service and Customs and Border Protection.

PART III—MISCELLANEOUS

SEC. 11041. DESIGNATION AND EXPEDITED REVIEW AND APPROVAL OF QUALIFIED AGRICULTURAL COUNTERMEASURES.

(a) DESIGNATION OF CERTAIN AGRICULTURAL COUNTERMEASURES.—The Secretary and the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of other applicable Federal departments or agencies, and in consultation with the Director of the Office of Science and Technology Policy in the Executive Office of the President, shall designate a list of qualified agricultural countermeasures to protect against the intentional introduction or natural occurrence of agricultural disease emergencies.

(b) EXPEDITED REVIEW AND APPROVAL OF QUALIFIED COUNTERMEASURES.—A qualified agricultural countermeasure designated under subsection (a) shall be—

(1) granted expedited review for approval; and

(2) if the qualified agricultural countermeasure meets the requirements for approval under that expedited review process, promptly approved by the appropriate Federal department or agency for use or further testing.

(c) DELISTING OF AGRICULTURE COUNTERMEASURES.—The Secretary and the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of other applicable Federal departments or agencies, and in consultation with the Director of the Office of Science and Technology Policy in the Executive Office of the President, may delist qualified agricultural countermeasures that are no longer effective in maintaining or enhancing the agricultural biosecurity of the United States.

SEC. 11042. AGRICULTURAL DISEASE EMERGENCY DETECTION AND RESPONSE.

(a) EMERGENCY DETERMINATION.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary and the Secretary of Health and Human Services, shall—

(A) assess potential vulnerabilities to the agricultural biosecurity of the United States; and

(B) determine the incidence or outbreak of which agricultural diseases would constitute an emergency—

(i) to identify respective interagency priorities; and

(ii) to assist the Department of Homeland Security to establish biological threat awareness capacities pursuant to HSPD–9 and HSPD–10.

(2) NOTIFICATION BY OTHER FEDERAL ENTITIES.—On a determination by the Secretary of Homeland Security under paragraph (1)(B), each Federal department and agency shall notify the Secretary of Homeland Security, the Secretary, and the Secretary of Health and Human Services of specific emergency procedures to be deployed in the event of an outbreak of an agricultural disease, including—

(A) any regulations promulgated to address the outbreak; and

(B) a timetable for implementation of the regulations.

(3) INFORMATION SHARING.—The Secretary of Homeland Security may make notifications under paragraph (2) available to the Secretary, in order for the Secretary to meet the incident management activities and goals set forth in the Food and Agriculture Incident Annex of the National Response Plan.

(4) STATE AND LOCAL COORDINATION.—On receipt by the Secretary of Homeland Security of notification of special emergency procedures required by other Federal departments or agencies, the Secretary of Homeland Security, in consultation with the Secretary and the Secretary of Health and Human Services, shall—

(A) notify State, local, and tribal governments, as appropriate, of the emergency procedures; and

(B) institute test exercises to determine the effectiveness of the emergency procedures in geographical areas of significance, as determined by the Secretary of Homeland Security, in consultation with Secretary.

(b) DISEASE DETECTION.—The Secretary and the Secretary of Homeland Security shall—

(1) develop and deploy an advanced surveillance system to detect entry into the United States of agricultural biological threat agents that are likely to cause an agricultural disease emergency;

(2) develop national and international standards and implementation guidelines to be used in monitoring those agricultural biological threat agents;

(3) enhance animal and plant health laboratory networks in existence as of the date of enactment of this Act to increase the diagnostic capability for detecting those biological threat agents; and

(4) integrate the data and information obtained through the activities carried out under paragraphs (1) through (3) with the National Biosurveillance Integration Center of the Department of Homeland Security.

(c) ONSITE RAPID DIAGNOSTIC TOOLS.—

(1) DEVELOPMENT.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall develop onsite rapid diagnostic tools to enable rapid diagnosis of incidents of agricultural diseases that would constitute an agricultural disease emergency at the site of the incident or outbreak.

(2) VALIDATION TESTING OF TOOLS.—In developing on-site rapid diagnostic tools under paragraph (1), the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall conduct validation testing to ensure that each tool—

(A) identifies the agent for which the tool was developed; and

(B) will function properly if administered in the field by persons with varying levels of expertise in diagnostic testing, zoonotic disease surveillance, or agricultural disease emergencies.

(d) EMERGENCY RESPONSE.—

(1) IN GENERAL.—The Secretary shall work with State agriculture departments to ensure a coordinated response with State and local agencies responsible for early agricultural disease detection and control.

(2) EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress an evaluation of the current staff, budgets, and capabilities of regional coordinators of the Animal and Plant Health Inspection Service to identify areas of potential vulnerability or additional resource needs for emergency response capabilities in specific geographical areas.

(e) BEST PRACTICES.—

(1) AGRICULTURAL BIOSECURITY TASK FORCE.—The Secretary shall establish in the Department an agricultural biosecurity task force to identify best practices for use in carrying out a State or regional agricultural biosecurity program.

(2) INFORMATION AVAILABLE.—The Secretary, in coordination with the Secretary of Homeland Security, shall make available information regarding best practices for use in implementing a State or regional agricultural biosecurity program, including training exercises for emergency response providers and animal and plant disease specialists.

(f) FOREIGN ANIMAL DISEASE AS PREREQUISITE FOR VETERINARIAN ACCREDITATION.—The Secretary shall require candidates for veterinarian accreditation from the Department to receive training in foreign animal disease detection and response.

SEC. 11043. NATIONAL PLANT DISEASE RECOVERY SYSTEM AND NATIONAL VETERINARY STOCKPILE.

(a) NATIONAL PLANT DISEASE RECOVERY SYSTEM.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall work with State and local governments and the private sector to establish a national plant disease recovery system to be used to respond to an outbreak of plant disease that poses a significant threat to agricultural biosecurity.

(2) REQUIREMENTS.—The national plant disease recovery system shall include agricultural countermeasures to be made available within a single growing season for crops of particular economic significance, as determined by the Secretary, in coordination with the Secretary of Homeland Security.

(b) NATIONAL VETERINARY STOCKPILE.—The Secretary, in coordination with the Secretary of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall work with State and local governments and the private sector to establish a national veterinary stockpile, which shall be used by the Secretary, in coordination with the Secretary of Homeland Security—

(1) to make agricultural countermeasures available to any State veterinarian not later than 24 hours after submission of an official request for assistance by the State veterinarian, unless the Secretary and the Secretary of Homeland Security cannot accommodate such a request due to an emergency; and

(2) to leverage, where appropriate, the mechanisms and infrastructure of the Strategic National Stockpile.

SEC. 11044. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a grant program to stimulate basic and applied research and development activity for qualified agricultural countermeasures.

(2) COMPETITIVE GRANTS.—In carrying out this section, the Secretary shall develop a process through which to award grants on a competitive basis.

(3) WAIVER IN EMERGENCIES.—The Secretary may waive the requirement in paragraph (2), if—

(A) the Secretary has declared a plant or animal disease emergency under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); and

(B) the waiver would lead to the rapid development of a qualified agricultural countermeasure, as determined by the Secretary.

(b) USE OF FOREIGN DISEASE PERMISSIBLE.—The Secretary shall permit the use of foreign animal and plant disease agents, and accompanying data, in research and development activities funded under this section if the Secretary determines that the diseases or data are necessary to demonstrate the safety and efficacy of an agricultural countermeasure in development.

(c) COORDINATION ON ADVANCED DEVELOPMENT.—The Secretary shall ensure that the Secretary of Homeland Security is provided information, on a quarterly basis, describing each grant provided by the Secretary for the purpose of facilitating the acceleration and expansion of the advanced development of agricultural countermeasures.

(d) SCOPE.—Nothing in this section impedes the ability of the Secretary of Homeland Security to administer grants for basic and applied research and advanced development activities for qualified agricultural countermeasures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 11045. VETERINARY WORKFORCE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a grant program to increase the number of veterinarians trained in agricultural biosecurity.

(b) CONSIDERATIONS FOR FUNDING AWARDED.—The Secretary shall establish procedures to ensure that grants are competitively awarded under the program based on—

(1) the ability of an applicant to increase the number of veterinarians who are trained in agricultural biosecurity practice areas determined by the Secretary;

(2) the ability of an applicant to increase research capacity in areas of agricultural biosecurity determined by the Secretary to be a priority; or

(3) any other consideration the Secretary determines to be appropriate.

(c) USE OF FUNDS.—Amounts received under this section may be used by a grantee to pay—

(1) costs associated with construction and the acquisition of equipment, and other capital costs relating to the expansion of schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs; or

(2) capital costs associated with the expansion of academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 11046. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPAREDNESS, AND RESPONSE.

(a) ADVANCED TRAINING PROGRAMS.—

(1) GRANT ASSISTANCE.—The Secretary shall provide grant assistance to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(b) ASSESSMENT OF RESPONSE CAPABILITY.—

(1) GRANT AND LOAN ASSISTANCE.—The Secretary shall provide grant and low-interest loan assistance to States for use in assessing agricultural disease response capability.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2008 through 2012.

SEC. 11047. BORDER INSPECTIONS OF AGRICULTURAL PRODUCTS.

(a) INSPECTION.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary and the Secretary of Health and Human Services, shall coordinate with Federal intelligence officials to identify agricultural products that are imported from countries that have known capabilities to carry out an agroterrorist act.

(2) PRIORITY.—

(A) IN GENERAL.—Agricultural products imported from countries described in paragraph (1) shall be given priority status in the inspection process.

(B) EFFECT OF THREATS.—If a credible and specific threat of an intended agroterrorist act is identified by Federal intelligence officials, each border inspection of a product that could be a pathway for the agroterrorist act shall be intensified.

(b) COORDINATION IN BORDER INSPECTION.—In conducting inspections of agricultural products at the border, the Secretary, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall use a compatible communication system in order to better coordinate the inspection process.

SEC. 11048. LIVE VIRUS OF FOOT AND MOUTH DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at the National Bio and Agro-Defense Laboratory (referred to in this section as the ''NBAF'').

(b) LIMITATION.—The permit shall be valid unless the Secretary finds that the study of live foot and mouth disease virus at the NBAF is not being carried out in accordance with the regulations issued by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(c) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

(1) shall be made by the Secretary; and

(2) is a nondelegable function.

Subtitle B—Other Programs

SEC. 11051. FORECLOSURE.

(a) IN GENERAL.—Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) is amended by adding at the end the following:

''(f) MORATORIUM.—

''(1) IN GENERAL.—Effective beginning on the date of enactment of this subsection, there shall be in effect a moratorium on all loan acceleration and foreclosure proceedings instituted by the Department for any case in which—

''(A) there is pending against the Department a claim of discrimination by a farmer or rancher related to a loan acceleration or foreclosure; or

''(B) a farmer or rancher files a claim of discrimination against the Department related to a loan acceleration or foreclosure.

''(2) WAIVER OF INTEREST AND OFFSETS.—During the period of the moratorium, the Secretary shall waive the accrual of interest and offsets on all loans made under this subtitle for which loan acceleration or foreclosure proceedings have been instituted as described in paragraph (1).

''(3) TERMINATION OF MORATORIUM.—The moratorium shall terminate with respect to a claim of discrimination by a farmer or rancher on the earlier of—

''(A) the date the Secretary resolves the claim; or

''(B) if the farmer or rancher appeals the decision of the Secretary on the claim to a court of competent jurisdiction, the date that the court renders a final decision on the claim.

''(4) FAILURE TO PREVAIL.—If a farmer or rancher does not prevail on a claim of discrimination described in paragraph (1), the farmer or rancher shall be liable for any interest and offsets that accrued during the period that the loan was in abeyance.''.

(b) FORECLOSURE REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Agriculture (referred to in this subsection as the ''Inspector General'') shall determine whether decisions of the Department to implement foreclosure proceedings with respect to loans made under subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) to socially disadvantaged farmers or ranchers during the 5-year period preceding the date of enactment of this Act were consistent and in conformity with the applicable laws (including regulations) governing loan foreclosures.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the determination of the Inspector General under paragraph (1).

SEC. 11052. OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) IN GENERAL.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

''(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used exclusively—

''(A) to enhance coordination of the outreach, technical assistance, and education efforts authorized under agriculture programs; and

''(B) to assist the Secretary in—

''(i) reaching socially disadvantaged farmers and ranchers and prospective socially disadvantaged farmers and ranchers in a culturally and linguistically appropriate manner; and

''(ii) improving the participation of those farmers and ranchers in Department programs, as determined under section 2501A.'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''entity to provide information'' and inserting ''entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach''; and

(ii) by adding at the end the following:

''(D) RENEWAL OF CONTRACTS.—The Secretary may provide for renewal of a grant, contract, or other agreement under this section with an eligible entity that—

''(i) has previously received funding under this section;

''(ii) has demonstrated an ability to carry out the requirements described in paragraph (2); and

''(iii) demonstrates to the satisfaction of the Secretary that the entity will continue to fulfill the purposes of this section.

''(E) REVIEW OF PROPOSALS.—Notwithstanding subparagraph (D), the Secretary shall promulgate a regulation to establish criteria for the review process for grants and cooperative agreements (including multiyear grants), which shall include a review eligible entities on an individual basis.

''(F) REPORT.—The Secretary shall submit to Congress, and make publically available, an annual report that describes—

''(i) the accomplishments of the program under this section; and

''(ii) any gaps or problems in service delivery as reported by grantees.''; and

(C) in paragraph (4)—

(i) by striking subparagraph (A), and inserting the following:

''(A) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000 for each of fiscal years 2008 through 2012.'';

(ii) in subparagraph (B), by striking ''authorized to be appropriated under subparagraph (A)'' and inserting ''made available under subparagraph (A)''; and

(iii) by adding at the end the following:

''(C) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under this paragraph for a fiscal year may be used for expenses related to administering the program under this section.''; and

(2) in subsection (e)(5)(A)—

(A) in clause (i), by striking ''has demonstrated experience in'' and inserting ''has a reputation for, and has demonstrated experience in,''; and

(B) in clause (ii)—

(i) by inserting ''and on behalf of'' before ''socially''; and

(ii) by striking ''2-year'' and inserting ''3-year''.

(b) COORDINATION WITH OUTREACH.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop a plan to join and relocate—

(A) the outreach and technical assistance program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

(B) the Office of Outreach of the Department of Agriculture.

(2) CONSULTATION.—In preparing the plan under paragraph (1), the Secretary shall, in consultation with eligible entities under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)—

(A) decide the most appropriate permanent location for the programs described in paragraph (1); and

(B) locate both programs together at that location.

(3) REPORT.—After the relocation described in this subsection is completed, the Secretary shall submit to Congress a report that includes information describing the new location of the programs.

SEC. 11053. ADDITIONAL CONTRACTING AUTHORITY.

Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) (as amended by section 11052(a)(1)(B)(ii)) is amended by adding at the end the following:

''(G) ADDITIONAL CONTRACTING AUTHORITY.—

''(i) IN GENERAL.—The Secretary shall provide to the Office of Outreach of the Department of Agriculture, the Natural Resources Conservation Service, the Farm Service Agency, the Risk Management Agency, the Forest Service, the Food Safety and Inspection Service, and such other agencies and programs as the Secretary determines to be necessary, the authority to make grants and enter into contracts and cooperative agreements with community-based organizations that meet the definition of an eligible entity under subsection (e).

''(ii) MATCHING FUNDS.—The Secretary is not required to require matching funds for a grant made, or a contract or cooperative agreement entered into, under this subparagraph.

''(iii) INTERAGENCY FUNDING.—Notwithstanding any other provision of law (including regulations), any Federal agency may participate in any grant made, or contract or cooperative agreement entered into, under this subsection by contributing funds, if the head of the agency determines that the objectives of the grant, contract, or cooperative agreement will further the authorized programs of the contributing agency.''.

SEC. 11054. IMPROVED PROGRAM DELIVERY BY THE DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended by striking the second sentence.

SEC. 11055. ACCURATE DOCUMENTATION IN THE CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by adding at the end the following:

''(h) ACCURATE DOCUMENTATION.—The Secretary shall ensure, to the maximum extent practicable, that the Census of Agriculture and studies carried out by the Economic Research Service accurately document the number, location, and economic contributions of socially disadvantaged farmers and ranchers in agricultural production.''.

SEC. 11056. IMPROVED DATA REQUIREMENTS.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by striking subsection (c) and inserting the following:

''(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

''(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall annually compile program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each program of the Department of Agriculture that serves agricultural producers or landowners—

''(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

''(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

''(2) AUTHORITY TO COLLECT DATA.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

''(3) REPORT.—Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data required under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

''(A) the entire United States;

''(B) each State; and

''(C) each county in each State.

''(d) LIMITATIONS ON USE OF DATA.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

''(2) AUTHORIZED USES.—The data under this section shall be used exclusively for the purposes described in subsection (a).

''(3) LIMITATION.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.''.

SEC. 11057. RECEIPT FOR SERVICE OR DENIAL OF SERVICE.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) (as amended by section 11056) is amended by adding at the end the following:

''(e) RECEIPT FOR SERVICE OR DENIAL OF SERVICE.—In any case in which a farmer or rancher, or a prospective farmer or rancher, in person or in writing, requests from the Farm Service Agency or the Natural Resources Conservation Service of the Department of Agriculture any benefit or service offered by the Department to agricultural producers or landowners, and at the time of the request requests a receipt, the Secretary of Agriculture shall issue, on the date of the request, a receipt to the farmer or rancher, or prospective farmer or rancher, that contains—

''(1) the date, place, and subject of the request; and

''(2) the action taken, not taken, or recommended to the farmer or rancher or prospective farmer or rancher.''.

SEC. 11058. NATIONAL APPEALS DIVISION.

Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000) is amended—

(1) by striking ''On the return'' and inserting the following:

''(a) IN GENERAL.—On the return''; and

(2) by adding at the end the following:

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

''(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

''(B) the status of implementation of each final determination; and

''(C) if the final determination has not been implemented—

''(i) the reason that the final determination has not been implemented; and

''(ii) the projected date of implementation of the final determination.

''(2) UPDATES.—Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).''.

SEC. 11059. FARMWORKER COORDINATOR.

(a) IN GENERAL.—Subtitle B of title II of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 226A (7 U.S.C. 6933) the following:

''SEC. 226B. FARMWORKER COORDINATOR.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Department the position of Farmworker Coordinator (referred to in this section as the 'Coordinator').

''(b) DUTIES.—The Secretary shall delegate to the Coordinator responsibility for—

''(1) assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a);

''(2) serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers;

''(3) coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are assessed and met during declared disasters and other emergencies;

''(4) consulting with the Office of Small Farm Coordination, Office of Outreach, Outreach Coordinators, and other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department;

''(5) consulting with appropriate institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers; and

''(6) ensuring that farmworkers have access to services and support to enter agriculture as producers.

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

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 7401(c)(1)) is amended by adding at the end the following:

''(7) the authority of the Secretary to establish in the Department a position of Farmworker Coordinator in accordance with section 226B.''.

SEC. 11060. CONGRESSIONAL BIPARTISAN FOOD SAFETY COMMISSION.

(a) COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established a commission to be known as the ''Congressional Bipartisan Food Safety Commission'' (referred to in this section as the ''Commission'').

(B) PURPOSE.—The purpose of the Commission shall be to act in a bipartisan, consensus-driven fashion—

(i) to review the food safety system of the United States;

(ii) to prepare a report that—

(I) summarizes information about the food safety system as in effect as of the date of enactment of this Act; and

(II) makes recommendations on ways—

(aa) to modernize the food safety system of the United States;

(bb) to harmonize and update food safety statutes;

(cc) to improve Federal, State, local, and interagency coordination of food safety personnel, activities, budgets, and leadership;

(dd) to best allocate scarce resources according to risk;

(ee) to ensure that regulations, directives, guidance, and other standards and requirements are based on best-available science and technology;

(ff) to emphasize preventative rather than reactive strategies; and

(gg) to provide to Federal agencies funding mechanisms necessary to effectively carry out food safety responsibilities; and

(iii) to draft specific statutory language, including detailed summaries of the language and budget recommendations, that would implement the recommendations of the Commission.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 19 members.

(B) ELIGIBILITY.—Members of the Commission shall—

(i) have specialized training, education, or significant experience in at least 1 of the areas of—

(I) food safety research;

(II) food safety law and policy; and

(III) program design and implementation;

(ii) consist of—

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

(II) the Secretary of Health and Human Services (or a designee);

(III) 1 Member of the House of Representatives; and

(IV) 1 Member of the Senate; and

(V) 15 additional members that include, to the maximum extent practicable, representatives of—

(aa) consumer organizations;

(bb) agricultural and livestock production;

(cc) public health professionals;

(dd) State regulators;

(ee) Federal employees; and

(ff) the livestock and food manufacturing and processing industry.

(C) APPOINTMENTS.—

(i) IN GENERAL.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) CERTAIN APPOINTMENTS.—Of the members of the Commission described in subparagraph (B)(ii)(V)—

(I) 2 shall be appointed by the President;

(II) 7 shall be appointed by a working group consisting of—

(aa) the Chairman of each of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions of the Senate;

(bb) the Chairman of each of the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives;

(cc) the Speaker of the House of Representatives; and

(dd) the Majority Leader of the Senate; and

(III) 6 shall be appointed by a working group consisting of—

(aa) the Ranking Member of each of the Committees described in items (aa) and (bb) of subclause (II);

(bb) the Minority Leader of the House of Representatives; and

(cc) the Minority Leader of the Senate.

(D) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(E) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) MEETINGS.—

(A) INITIAL MEETING.—Except as provided in subparagraph (B), the initial meeting of the Commission shall be conducted in Washington, District of Columbia, not later than 30 days after the date of appointment of the final member of the Commission under paragraph (2)(C).

(B) MEETING FOR PARTIAL APPOINTMENT.—If, as of the date that is 90 days after the date of enactment of this Act, all members of the Commission have not been appointed under paragraph (2)(C), but at least 8 members have been appointed, the Commission may hold the initial meeting of the Commission.

(C) OTHER MEETINGS.—The Commission shall—

(i) hold a series of at least 5 stakeholder meetings to solicit public comment, including—

(I) at least 1 stakeholder meeting, to be held in Washington, District of Columbia; and

(II) at least 4 stakeholder meetings, to be held in various regions of the United States; and

(ii) meet at the call of—

(I) the Chairperson;

(II) the Vice-Chairperson; or

(III) a majority of the members of the Commission.

(D) PUBLIC PARTICIPATION; INFORMATION.—To the maximum extent practicable—

(i) each meeting of the Commission shall be open to the public; and

(ii) all information from a meeting of the Commission shall be recorded and made available to the public.

(E) QUORUM.—With respect to meetings of the Commission—

(i) a majority of the members of the Commission shall constitute a quorum for the conduct of business of the Commission; but

(ii) for the purpose of a stakeholder meeting described in subparagraph (C)(i), 4 or more members of the Commission shall constitute a quorum.

(F) FACILITATOR.—The Commission shall contract with a nonpolitical, disinterested third-party entity to serve as a meeting facilitator.

(4) CHAIRPERSON AND VICE-CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall select from among the members a Chairperson and Vice-Chairperson of the Commission.

(b) DUTIES.—

(1) RECOMMENDATIONS.—The Commission shall review and consider the statutes, studies, and reports described in paragraph (2) for the purpose of understanding the food safety system of the United States in existence as of the date of enactment of this Act.

(2) STATUTES, STUDIES, AND REPORTS.—The statutes, studies, and reports referred to in paragraph (1) are—

(A) with respect with respect to laws administered by the Secretary of Agriculture—

(i) the Federal Seed Act (7 U.S.C. 1551 et seq.);

(ii) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(iii) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);

(iv) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

(v) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(vi) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.); and

(vii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(B) with respect to laws administered by the Secretary of the Treasury, the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.);

(C) with respect to laws administered by the Federal Trade Commission, the Act of September 26, 1914 (15 U.S.C. 41 et seq.);

(D) with respect to laws administered by the Secretary of Health and Human Services—

(i) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(ii) the Public Health Service Act (42 U.S.C. 201 et seq.);

(iii) the Import Milk Act (21 U.S.C. 141 et seq.);

(iv) the Food Additives Amendment of 1958 (Public Law 85–929; 52 Stat. 1041);

(v) the Fair Packaging and Labeling Act (Public Law 89–755; 80 Stat. 1296);

(vi) the Infant Formula Act of 1980 (21 U.S.C. 301 note; Public Law 96–359);

(vii) the Pesticide Monitoring Improvements Act of 1988 (Public Law 100–418; 102 Stat. 1411);

(viii) the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 301 note; Public Law 101–535);

(ix) the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 301 note; Public Law 105–115); and

(x) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (21 U.S.C. 201 note; Public Law 107–188);

(E) with respect to laws administered by the Attorney General, the Federal Anti-Tampering Act (18 U.S.C. 1365 note; Public Law 98–127);

(F) with respect to laws administered by the Administrator of the Environmental Protection Agency—

(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(ii) the Food Quality Protection Act of 1996 (7 U.S.C. 136 note; Public Law 104–170);

(iii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(iv) the Safe Drinking Water Act of 1974 (42 U.S.C. 201 note; Public Law 93–523); and

(G) with respect to laws administered by the Secretary of Transportation, chapter 57 of subtitle II of title 49, United States Code (relating to sanitary food transportation); and

(H) with respect to Government studies on food safety—

(i) the report of the National Academies of Science entitled ''Ensuring Safe Food from Production to Consumption'' and dated 1998;

(ii) the report of the National Academies of Science entitled ''Scientific Criteria to Ensure Safe Food'' and dated 2003;

(iii) reports of the Office of the Inspector General of the Department of Agriculture, including—

(I) report 24601-0008-CH, entitled ''Egg Products Processing Inspection'' and dated September 18, 2007;

(II) report 24005-1-AT, entitled ''Food Safety and Inspection Service - State Meat and Poultry Inspection Programs'' and dated September 27, 2006;

(III) report 24601-06-CH, entitled ''Food Safety and Inspection Service's In-Plant Performance System'' and dated March 28, 2006;

(IV) report 24601-05-AT, entitled ''Hazard Analysis and Critical Control Point Implementation at Very Small Plants'' and dated June 24, 2005;

(V) report 24601-04-HY, entitled ''Food Safety and Inspection Service Oversight of the 2004 Recall by Quaker Maid Meats, Inc.'' and dated May 18, 2005;

(VI) report 24501-01-FM, entitled ''Food Safety and Inspection Service Application Controls - Performance Based Inspection System'' and dated November 24, 2004;

(VII) report 24601-03-CH, entitled ''Food Safety and Inspection Service Use of Food Safety Information'' and dated September 30, 2004;

(VIII) report 24601-03-HY, entitled ''Food Safety and Inspection Service Effectiveness Checks for the 2002 Pilgrim's Pride Recall'' and dated June 29, 2004;

(IX) report 24601-02-HY, entitled ''Food Safety and Inspection Service Oversight of the Listeria Outbreak in the Northeastern United States'' and dated June 9, 2004;

(X) report 24099-05-HY, entitled ''Food Safety and Inspection Service Imported Meat and Poultry Equivalence Determinations Phase III'' and dated December 29, 2003;

(XI) report 24601-2-KC, entitled ''Food Safety and Inspection Service - Oversight of Production Process and Recall at Conagra Plant (Establishment 969)'' and dated September 30, 2003;

(XII) report 24601-1-Ch, entitled ''Laboratory Testing Of Meat And Poultry Products'' and dated June 21, 2000;

(XIII) report 24001-3-At, 24601-1-Ch, 24099-3-Hy, 24601-4-At, entitled ''Food Safety and Inspection Service: HACCP Implementation, Pathogen Testing Program, Foreign Country Equivalency, Compliance Activities'' and dated June 21, 2000; and

(XIV) report 24001-3-At, entitled ''Implementation of the Hazard Analysis and Critical Control Point System'' and dated June 21, 2000; and

(I) with respect to reports prepared by the Government Accountability Office, the reports designated—

(i) GAO-05-212;
(ii) GAO-02-47T;
(iii) GAO/T-RCED-94-223;
(iv) GAO/RCED-99-80;
(v) GAO/T-RCED-98-191;
(vi) GAO/RCED-98-103;
(vii) GAO-07-785T;
(viii) GAO-05-51;
(ix) GAO/T-RCED-94-311;
(x) GAO/RCED-92-152;
(xi) GAO/T-RCED-99-232;
(xii) GAO/T-RCED-98-271;
(xiii) GAO-07-449T;
(xiv) GAO-05-213;
(xv) GAO-04-588T;
(xvi) GAO/RCED-00-255;
(xvii) GAO/RCED-00-195; and
(xviii) GAO/T-RCED-99-256.

(3) REPORT.—Not later than 360 days after the date on which the Commission first meets, the Commission shall submit to the President and Congress a report that includes the report and summaries, statutory language recommendations, and budget recommendations described in clauses (ii) and (iii) of subsection (a)(1)(B).

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at the direction of the Commission, any member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or member considers advisable.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly, from any Federal agency, such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Subject to subparagraph (C), on the request of the Commission, the head of a Federal agency described in subparagraph (A) shall expeditiously furnish information requested by the Commission to the Commission.

(ii) ADMINISTRATION.—The furnishing of information by a Federal agency to the Commission shall not be considered a waiver of any exemption available to the agency under section 552 of title 5, United States Code.

(C) INFORMATION TO BE KEPT CONFIDENTIAL.—For purposes of section 1905 of title 18, United States Code—

(i) the Commission shall be considered an agency of the Federal Government; and

(ii) any individual employed by an individual, entity, or organization that is a party to a contract with the Commission under this section shall be considered an employee of the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A 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 IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) EXECUTIVE DIRECTOR.—Not later than 30 days after the Chairperson and Vice-Chairperson of the Commission are selected under subsection (a)(4), the Chairperson and Vice-Chairperson shall jointly select an individual to serve as executive director of the Commission.

(B) ADDITIONAL STAFF.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate the appointment of such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director under this paragraph shall be subject to confirmation by the Commission.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission, without reimbursement, for such period of time as is permitted by law.

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

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson, Vice-Chairperson, and executive director of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of that title.

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

(f) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under subsection (b)(2).

SEC. 11061. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended to read as follows:

"SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public agency, community-based organization, or network of community-based organizations with tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, that has at least 5 years of demonstrated experience in representing and providing emergency services to low-income migrant or seasonal farmworkers

''(2) LOW-INCOME MIGRANT OR SEASONAL FARMWORKER.—The term 'low-income migrant or seasonal farmworker' means an individual—

''(A) who has, during any consecutive 12-month period within the preceding 24-month period, performed farm work for wages;

''(B) who has received not less than ½ of the total income of the individual from, or been employed at least ½ of total work time in, farm work; and

''(C) whose annual family income during the 12-month period described in paragraph (1) does not exceed the higher of, as determined by the Secretary—

''(i) 185 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services; or

''(ii) 70 percent of the lower living standard income level.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) GRANTS AVAILABLE.—The Secretary may make grants to eligible entities if the Secretary determines that a local, State, or national emergency or disaster has caused low-income migrant or seasonal farmworkers—

''(1) to lose income;

''(2) to be unable to work; or

''(3) to stay home or return home in anticipation of work shortages.

''(c) USE OF FUNDS.—As a condition of receiving a grant under subsection (b), an eligible entity shall use the grant to provide emergency services to low-income migrant or seasonal farmworkers, with a focus on—

''(1) assistance that allows low-income migrant or seasonal farmworkers to meet or access other resources to meet short-term emergency family needs for food, clothing, employment, transportation, and housing;

''(2) assistance that allows low-income and migrant seasonal farmworkers to remain in a disaster area; and

''(3) such other priorities that the Secretary determines to be appropriate.

''(d) DISASTER FUND.—

''(1) IN GENERAL.—The Secretary shall maintain a disaster fund of $2,000,000 to be used for immediate assistance for events described in subsection (b).

''(2) FUNDING.—There are authorized to be appropriated to the Secretary such sums as are necessary to maintain the disaster fund at $2,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 11062. GRANTS TO REDUCE PRODUCTION OF METHAMPHETAMINES FROM ANHYDROUS AMMONIA.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a producer of agricultural commodities;

(B) a cooperative association, a majority of the members of which produce or process agricultural commodities; or

(C) a person in the trade or business of—

(i) selling an agricultural product (including an agricultural chemical) at retail, predominantly to farmers and ranchers; or

(ii) aerial and ground application of an agricultural chemical.

(2) NURSE TANK.—The term ''nurse tank'' shall be considered to be a cargo tank (within the meaning of section 173.315(m) of title 49, Code of Federal Regulations, as in effect as of the date of the enactment of this Act).

(b) GRANT AUTHORITY.—The Secretary may make a grant to an eligible entity to enable the eligible entity to obtain and add to an anhydrous ammonia fertilizer nurse tank a physical lock or a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank.

(c) GRANT AMOUNT.—The amount of a grant made under this section to an eligible entity shall be the product obtained by multiplying—

(1) an amount not less than $40 and not more than $60, as determined by the Secretary; and

(2) the number of fertilizer nurse tanks of the eligible entity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this section $15,000,000 for the period of fiscal years 2008 through 2012.

SEC. 11063. INVASIVE SPECIES MANAGEMENT, HAWAII.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior;

(B) the Secretary of Agriculture; and

(C) the Secretary of Homeland Security.

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

(A) the Secretary of the Interior, with respect to matters under the jurisdiction of the Department of the Interior;

(B) the Secretary of Agriculture, with respect to matters under the jurisdiction of the Department of Agriculture; and

(C) the Secretary of Homeland Security, with respect to matters under the jurisdiction of the Department of Homeland Security.

(3) STATE.—The term ''State'' means the State of Hawaii.

(b) CONTROLLING INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND DISEASES IN THE STATE.—

(1) CONSULTATION AND COOPERATION.—The Secretaries concerned shall—

(A) with respect to restricting the introduction or movement of invasive species and diseases into the State, consult and cooperate with the State; and

(B) in carrying out the activities described in this subsection, consult and cooperate with appropriate agencies and officers with experience relating to quarantine procedures, natural resources, conservation, and law enforcement of—

(i) the Department of Homeland Security;

(ii) the Department of Commerce;

(iii) the United States Treasury; and

(iv) the State.

(2) DEVELOPMENT OF COLLABORATIVE FEDERAL AND STATE PROCEDURES.—The Secretaries, in collaboration with the State, shall—

(A) develop procedures to minimize the introduction of invasive species into the State; and

(B) submit to Congress annual reports describing progress made and results achieved in carrying out the procedures.

(3) EXPEDITED CONSIDERATION OF STATE AND LOCAL CONTROL PROPOSALS.—

(A) EXPEDITED PROCESS.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall establish an expedited process for the State and political subdivisions of the State under which the State and political subdivisions may, through the submission of an application, seek approval of the Secretary concerned to impose a general or specific prohibition or restriction on the introduction or movement of invasive species or diseases from domestic or foreign locations to the State that is in addition to the applicable prohibition or restriction imposed by the Secretary concerned.

(B) REVIEW PERIOD.—Not later than 60 days after the date of receipt by the Secretary concerned of an application under subparagraph (A) that the Secretary concerned determines to be a completed application, the Secretary concerned shall—

(i) review the completed application;

(ii) assess each potential risk with respect to the completed application; and

(iii) approve or disapprove the completed application.

(4) RESPONSE TO EMERGENCY THREATS.—

(A) IN GENERAL.—The State may carry out an emergency action to impose a prohibition or restriction on the entry of an invasive species or disease that is in addition to the applicable prohibition or restriction imposed by the Secretary concerned if—

(i) the State has submitted to the Secretary concerned a completed application under paragraph (3) that is pending approval by the Secretary concerned; and

(ii) an emergency or imminent threat from an invasive species or disease occurs in the State during the period in which the completed application described in clause (i) is pending approval by the Secretary concerned.

(B) NOTICE.—Before carrying out an emergency action under subparagraph (A), the State shall provide written notice to the Secretary concerned.

(C) PERIOD OF EMERGENCY ACTION.—If, by the date that is 10 days after the date of receipt of a written notice under subparagraph (B), the Secretary concerned does not object to the emergency action that is the subject of the notice, the State may carry out the emergency action during the 60-day period beginning on that date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretaries such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 11064. OVERSIGHT AND COMPLIANCE.

The Secretary, acting through the Assistant Secretary for Civil Rights of the Department of Agriculture, shall use the reports described in subsection (c) of section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) (as amended by section 11056) in the conduct of oversight and evaluation of civil rights compliance.

SEC. 11065. REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS, AND ACTIONS.

Each year, the Secretary shall—

(1) prepare a report that describes, for each agency of the Department of Agriculture—

(A) the number of civil rights complaints filed that relate to the agency, including whether a complaint is a program complaint or an employment complaint;

(B) the length of time the agency took to process each civil rights complaint;

(C) the number of proceedings brought against the agency, including the number of complaints described in paragraph (1) that were resolved with a finding of discrimination; and

(D) the number and type of personnel actions taken by the agency following resolution of civil rights complaints;

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the report; and

(3) make the report available to the public by posting the report on the website of the Department.

SEC. 11066. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a nonprofit, community-based organization, or a consortium of nonprofit, community-based organizations, agricultural labor organizations, farmer or rancher cooperatives, and public entities, that has the capacity (including demonstrated experience in providing training, housing, or emergency services to migrant and seasonal farmworkers) to assist agricultural employers and farmworkers with improvements in the supply, stability, safety, and training of the agricultural labor force.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to eligible entities for use in providing services to assist farmworkers in securing, retaining, upgrading, or returning from agricultural jobs.

(2) ELIGIBLE SERVICES.—The services referred to in paragraph (1) include—

(A) agricultural upgrading and cross training;

(B) the provision of agricultural labor market information;

(C) transportation;

(D) short-term housing, including housing for unaccompanied farmworkers and at migrant rest stops;

(E) travelers' aid;

(F) workplace literacy and assistance with English as a second language;

(G) health and safety instruction, including ways of safeguarding the food supply of the United States; and

(H) limited emergency and financial assistance, in cases in which the Secretary determines that a national, State, or local emergency or disaster has caused migrant or seasonal farmworkers to lose income or employment.

(3) EMERGENCY ASSISTANCE.—Any emergency services provided using funds from a grant in accordance with paragraph (2)(H)—

(A) shall be consistent with section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (as amended by section 11061);

(B) shall be focused on assistance to allow low-income farmworkers and their families to meet short-term needs for such food, clothing, employment, transportation, and housing as are necessary to regain employment or return home; and

(C) may include such other types of assistance as the Secretary determines to be appropriate.

(c) 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.

SEC. 11067. INTERSTATE SHIPMENT OF MEAT AND POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

(a) MEAT AND MEAT PRODUCTS.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following:

"TITLE V—INSPECTIONS BY FEDERAL AND STATE AGENCIES

"SEC. 501. INTERSTATE SHIPMENT OF MEAT INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

''(a) DEFINITIONS.—

''(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 301(b).

''(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including regulations.

''(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

''(A) the State inspection program of the State in which the establishment is located; and

''(B) this Act.

''(4) MEAT ITEM.—The term 'meat item' means—

''(A) a portion of meat; and

''(B) a meat food product.

''(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship carcasses, portions of carcasses, and meat items in interstate commerce.

''(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship carcasses, portions of carcasses, and meat items in interstate commerce, and place on each carcass, portion of a carcass, and meat item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if the establishment—

''(A) is an eligible establishment; and

''(B) is located in a State that has designated personnel to inspect the eligible establishment.

''(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

''(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

''(B) as of the date of enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or meat items that are inspected by the Secretary in accordance with this Act;

''(C)(i) is a Federal establishment;

''(ii) was a Federal establishment that was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of enactment of this section; or

''(iii) was a State establishment as of the date of enactment of this section that—

''(I) as of the date of enactment of this section, employed more than 25 employees; and

''(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of enactment of this section;

''(D) is in violation of this Act;

''(E) is located in a State that does not have a State inspection program; or

''(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

''(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

''(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

''(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

''(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of enactment of this section may be selected as a selected establishment under this subsection.

''(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (j).

''(c) REIMBURSEMENT OF STATE COSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

''(2) MICROBIOLOGICAL VERIFICATION TESTING.—The Secretary may reimburse a State for 100 percent of eligible State costs relating to the inspection of selected establishments in the State, if the State provides additional microbiological verification testing of the selected establishments, using standards under this Act, that is in excess of the typical verification testing frequency of the Federal Government with respect to Federal establishments.

''(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

''(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

''(A) to provide oversight and enforcement of this title; and

''(B) to oversee the training and inspection activities of designated personnel of the State agency.

''(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

''(3) DUTIES OF STATE COORDINATOR.—

''(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

''(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

''(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

''(i) immediately notify the Secretary of the violation; and

''(ii) deselect the selected establishment or suspend inspection at the selected establishment.

''(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

''(e) AUDITS.—

''(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (j), and not less often than every 2 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

''(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of enactment of this section, the Comptroller General of the United States shall

conduct an audit of the implementation of this section to determine—

''(A) the effectiveness of the implementation of this section; and

''(B) the number of selected establishments selected by the Secretary under this section.

''(f) INSPECTION TRAINING DIVISION.—

''(1) ESTABLISHMENT.—Not later than 180 days after the effective date described in subsection (j), the Secretary shall establish in the Food Safety and Inspection Service of the Department of Agriculture an inspection training division to coordinate the initiatives of any other appropriate agency of the Department of Agriculture to provide—

''(A) outreach, education, and training to very small or certain small establishments (as defined by the Secretary); and

''(B) grants to appropriate State agencies to provide outreach, technical assistance, education, and training to very small or certain small establishments (as defined by the Secretary).

''(2) PERSONNEL.—The inspection training division shall be comprised of individuals that, as determined by the Secretary—

''(A) are of a quantity sufficient to carry out the duties of the inspection training division; and

''(B) possess appropriate qualifications and expertise relating to the duties of the inspection training division.

''(g) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by title III to transition to selected establishments.

''(h) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

''(i) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of meat and meat products under this Act.

''(j) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

''(2) REQUIREMENT.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).''.

(b) POULTRY AND POULTRY PRODUCTS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 31. INTERSTATE SHIPMENT OF POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

''(a) DEFINITIONS.—

''(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 5(a)(1).

''(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including regulations.

''(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

''(A) the State inspection program of the State in which the establishment is located; and

''(B) this Act.

''(4) POULTRY ITEM.—The term 'poultry item' means—

''(A) a portion of poultry; and

''(B) a poultry product.

''(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship poultry items in interstate commerce.

''(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship poultry items in interstate commerce, and place on each poultry item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if the establishment—

''(A) is an eligible establishment; and

''(B) is located in a State that has designated personnel to inspect the eligible establishment.

''(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

''(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

''(B) as of the date of enactment of this section, ships in interstate commerce carcasses, poultry items that are inspected by the Secretary in accordance with this Act;

''(C)(i) is a Federal establishment;

''(ii) was a Federal establishment as of the date of enactment of this section, and was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of enactment of this section; or

''(iii) was a State establishment as of the date of enactment of this section that—

''(I) as of the date of enactment of this section, employed more than 25 employees; and

''(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of enactment of this section;

''(D) is in violation of this Act;

''(E) is located in a State that does not have a State inspection program; or

''(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

''(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

''(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

''(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

''(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of enactment of this section may be selected as a selected establishment under this subsection.

''(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (i).

''(c) REIMBURSEMENT OF STATE COSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

''(2) MICROBIOLOGICAL VERIFICATION TESTING.—The Secretary may reimburse a State for 100 percent of eligible State costs relating to the inspection of selected establishments in the State, if the State provides additional microbiological verification testing of the selected establishments, using standards under this Act, that is in excess of the typical verification testing frequency of the Federal Government with respect to Federal establishments.

''(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

''(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

''(A) to provide oversight and enforcement of this section; and

''(B) to oversee the training and inspection activities of designated personnel of the State agency.

''(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

''(3) DUTIES OF STATE COORDINATOR.—

''(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

''(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

''(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

''(i) immediately notify the Secretary of the violation; and

''(ii) deselect the selected establishment or suspend inspection at the selected establishment.

''(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

''(e) AUDITS.—

''(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (i), and not less often than every 2 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

''(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

''(A) the effectiveness of the implementation of this section; and

''(B) the number of selected establishments selected by the Secretary under this section.

''(f) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by this Act to transition to selected establishments.

''(g) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

''(h) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of poultry and poultry products under this Act.

''(i) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

''(2) REQUIREMENT.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).''.

SEC. 11068. PREVENTION AND INVESTIGATION OF PAYMENT AND FRAUD AND ERROR.

Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by striking subsection (k) and inserting the following:

''(k) DISCLOSURE NECESSARY FOR PROPER ADMINISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AUTHORITIES.—

''(1) DISCLOSURE TO GOVERNMENT AUTHORITIES.—Nothing in this title shall apply to the disclosure by the financial institution of the financial records of any customer to the Department of the Treasury, the Social Security Administration, the Railroad Retirement Board, or any other Government authority that certifies, disburses, or collects payments, when the disclosure of such information is necessary to, and such information is used solely for the purposes of—

''(A) the proper administration of section 1441 of the Internal Revenue Code of 1986 (26 U.S.C. 1441);

''(B) the proper administration of title II of the Social Security Act (42 U.S.C. 401 et seq.);

''(C) the proper administration of the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(D) the verification of the identify of any person in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

''(E) the investigation or recovery of an improper Federal payment or collection of funds, or an improperly negotiated Treasury check.

''(2) LIMITATIONS ON SUBSEQUENT DISCLOSURE.—Notwithstanding any other provision of law, any request authorized by paragraph (1), and the information contained therein, may be used by the financial institution and its agents solely for the purpose of providing the customer's financial records to the Government authority requesting the information and shall be barred from redisclosure by the financial institution or its agents. Any Government authority receiving information pursuant to paragraph (1) may not disclose or use the information except for the purposes set forth in such paragraph.''.

SEC. 11069. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLLECTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) ELIMINATION.—Section 3716 of title 31, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

''(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any debt outstanding on or after the date of the enactment of this Act.

SEC. 11070. STORED QUANTITIES OF PROPANE.

Section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note; Public Law 109–295), is amended by striking ''Commission.'' and inserting the following:

''Commission: *Provided further*, That the Secretary shall not apply interim or final regulations relating to stored threshold quantities of propane for sale, storage, or use on homestead property, agricultural operations, or small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that are located in rural areas (as defined in section 520 of the Housing Act of 1949 (42 U.S.C. 1490)), unless the Secretary submits to Congress a report describing an immediate or imminent threat against such a stored quantity of propane: *Provided further*, That nothing in this section exempts the Secretary from implementing any interim or final regulation relating to stored threshold quantities of propane for sale, use, or storage in an area that is not a rural areas (as so defined).''.

SEC. 11071. CLOSURE OF CERTAIN COUNTY FSA OFFICES.

(a) DEFINITION OF CRITICAL ACCESS COUNTY FSA OFFICE.—

(1) IN GENERAL.—In this section, the term ''critical access county FSA office'' means an office of the Farm Service Agency that, during the period described in paragraph (2), is—

(A) proposed to be closed;

(B) proposed to be closed with the closure delayed until after January 1, 2008, due to additional review pursuant to the third proviso of matter under the heading ''SALARIES AND EXPENSES'' under the heading ''FARM SERVICE AGENCY'' of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97; 119 Stat. 2131); or

(C) included on a list of critical access county FSA offices determined in accordance with that Act and submitted to the Committee on Agriculture, Nutrition, and Forestry of the Senate by the Secretary on October 24, 2007.

(2) DESCRIPTION OF PERIOD.—The period referred to in paragraph (1) is the period beginning on November 10, 2005, and ending on December 31, 2007.

(3) EXCEPTION.—The term ''critical access county FSA office'' does not include any office of the Farm Service Agency that—

(A) is located not more than 20 miles from another office of the Farm Service Agency, unless the office is located within an identified limited-resource area consisting of at least 4 contiguous high-poverty counties; or

(B) employs no full-time equivalent employees as of the date of enactment of this Act.

(b) EXTENSION OF PERIOD OF OPERATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, except as provided in paragraph (3), none of the funds made available to the Secretary by any Act may be used to pay the salaries or expenses of any officer or employee of the Department of Agriculture to close any critical access county FSA office during the period beginning on November 1, 2007, and ending on September 30, 2012.

(2) NUMBER OF EMPLOYEES.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary shall ensure that each critical access county FSA office in each State maintains a staff level of not less than 3 full-time equivalent employees during the period described in paragraph (1).

(B) STAFFING FLEXIBILITY.—Notwithstanding subparagraph (A) and subject to subparagraph (C), an employee required to meet the staff level of a critical access county FSA office in a State as described in subparagraph (A) may be employed at any other county office of the Farm Service Agency in that State, as the Secretary determines to be appropriate.

(C) MINIMUM STAFFING LEVEL.—A critical access county FSA office shall be staffed by not less than 1 full-time equivalent employee during the period described in paragraph (1).

(3) EXCEPTION.—The Secretary may close a critical access county FSA office only on concurrence in the determination to close the critical access county FSA office by—

(A) Congress; and

(B) the applicable State Farm Service Agency committee.

SA 3816. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 32 ___. CORRECTIVE LEGISLATION.

(a) DEFINITION OF JOINT RESOLUTION.—In this section, the term ''joint resolution'' means only a joint resolution introduced during the 90-day period beginning on the date on which the report referred to in subsection (b) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ''That Congress approves the draft legislation included in the report required under section ___(b) of the Food and Energy Security Act of 2007 submitted by the President to Congress on _____, and the legislation shall have force and effect.'' (The blank spaces being appropriately filled in).

(b) REPORT.—Not later than 90 days after the date of final adjudication of any appeals by the President relating to a finding that any United States commodity program is in violation of a trading rule of the World Trade Organization, the President may submit to each House of Congress a report that includes—

(1) a notification of any effective date of sanctions to be imposed for failure to correct the violation; and

(2) draft legislation for use in correcting the violation.

(c) CONGRESSIONAL ACTION.—Subject to subsection (f), if Congress receives a notification described in subsection (b)(1), the approval of Congress of the draft legislation submitted under subsection (b)(2) shall be effective if, and only if, a joint resolution is enacted into law pursuant to subsections (d) and (e).

(d) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) a joint resolution is adopted under subsection (e); and

(B)(i) Congress transmits the joint resolution to the President before the end of the 90-day period beginning on the date on which Congress receives the report of the President under subsection (b); and

(ii)(I) the President signs the joint resolution; or

(II) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of—

(aa) the last day of the 90-day period referred to in clause (i); or

(bb) the last day of the 15-day period beginning on the date on which Congress receives the veto message from the President.

(2) INTRODUCTION.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which Congress receives the report of the President under subsection (b).

(e) JOINT RESOLUTION.—

(1) PROCEDURES.—

(A) IN GENERAL.—Joint resolutions—

(i) may be introduced in either House of Congress by any Member of such House; and

(ii) shall be referred—

(I) to the Committee on Agriculture of the House of Representatives, if the joint resolution is introduced in the House of Representatives; or

(II) to the Committee on Agriculture, Nutrition, and Forestry of the Senate, if the joint resolution is introduced in the Senate.

(B) APPLICATION OF SECTION 151 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (c), (d), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191(c), (d), (f), and (g)) shall apply to joint resolutions to the same extent as such provisions apply to implementing bills under that section.

(C) DISCHARGE OF COMMITTEE.—If a committee of either House to which a joint resolution has been referred has not reported the joint resolution by the close of the 45th day after its introduction—

(i) the committee shall be automatically discharged from further consideration of the joint resolution; and

(ii) the joint resolution shall be placed on the appropriate calendar.

(D) FLOOR CONSIDERATION.—It shall not be in order for—

(i) the Senate to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture, Nutrition, or Forestry of the Senate or the committee has been discharged under subparagraph (C);

(ii) the House of Representatives to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture of the House of Representatives or the committee has been discharged under subparagraph (C); or

(iii) either House to consider any joint resolution or take any action under clause (i) or (ii) of subsection (d)(1)(B), if the President has notified the appropriate committees that the decision to impose sanctions described in subsection (b)(1) has been withdrawn and the sanctions have not actually been imposed.

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces his or her intention to do so.

(2) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider another joint resolution under this section (other than a joint resolution received from the other House), if that House has previously voted on a joint resolution under this section with respect to the same presidential notification described in subsection (b)(1).

(3) COMPUTATION OF TIME PERIOD.—For the purpose of subsection (d)(1)(B)(ii)(II) and paragraph (1)(C), the 90-day period, the 15-day period, and the 45 days referred to in those provisions shall be computed by excluding—

(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and such procedures supersede other rules only to the extent that such procedures are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(f) INTERVENING ENACTMENT.—A joint resolution shall not be required under this section if, during the period beginning on the date on which the President submits to Congress draft legislation under subsection (b)(2) and ending on the date on which Congress enacts a joint resolution under subsection (e), a law containing or preempting the draft legislation is enacted.

SA 3817. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 108, strike line 3 and all that follows through page 123, line 8 and insert the following:

(A) the 2009, 2010, 2011, and 2012 crop years;

(B) the 2010, 2011, and 2012 crop years;

(C) the 2011 and 2012 crop years; or

(D) the 2012 crop year.

(2) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make the election described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(3) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (2), the producers on a farm shall submit to the Secretary notice of the election made under paragraph (1).

(4) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under paragraph (1) or fail to timely notify the Secretary of the election made, as required by paragraph (3), the producers shall be deemed to have made the election to receive payments and loans under subtitle A for all covered commodities and peanuts on the farm for the applicable crop year.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make the election under subsection (a) to receive average crop revenue payments, for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make average crop revenue payments available to the producers on a farm in accordance with this subsection.

(2) FIXED PAYMENT COMPONENT.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make average crop revenue payments available to the producers on a farm for each crop year in an amount equal to not less than the product obtained by multiplying—

(A) $15 per acre; and

(B) 100 percent of the lower of—

(i) the quantity of base acres on the farm for all covered commodities and peanuts (as adjusted in accordance with the terms and conditions of section 1101 or 1302, as determined by the Secretary); or

(ii) the average of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm during the 2002 through 2007 crop years.

(3) REVENUE COMPONENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) INDIVIDUAL LOSS.—The Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the sum obtained by adding—

(I) the amount determined by multiplying—

(aa) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(bb) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under subsection (c)(3); and

(II) the amount of the crop insurance premium for the crop year for the covered commodity or peanuts of the producers on the farm; is less than

(ii) the amount determined by multiplying—

(I) the yield used to calculate crop insurance coverage for the covered commodity or peanuts on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (commonly referred to as ''actual production history''); and

(II) the pre-planting price for the applicable crop year for the covered or peanuts in a State determined under subsection (d)(3).

(4) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make—

(A) [____ percent] of the total quantity of payments under the fixed payment component described in paragraph (2) not earlier than October 1 of the calendar year in which the crop of the covered commodity or peanuts is harvested;

(B) the remainder of payments under the fixed payment component described in paragraph (2) on October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts; and

(C) payments under the revenue component described in paragraph (3) beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(3)(A), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (d)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) AVERAGE CROP REVENUE PROGRAM HARVEST PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the average crop revenue program harvest price for a crop year for a covered commodity or peanuts in a State shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity or peanuts in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(B) ASSIGNED PRICE.—If the Secretary cannot establish the harvest price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(d) AVERAGE CROP REVENUE PROGRAM GUARANTEE.—

(1) IN GENERAL.—Except as provided in paragraph (4), the average crop revenue program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(A) the expected State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(B) the average crop revenue program preplanting price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) EXPECTED STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the projected yield for the crop year for the covered commodity or peanuts in the State, based on a linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State (as determined under subparagraph (A)) is negative, the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) AVERAGE CROP REVENUE PROGRAM PREPLANTING PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraphs (B) and (C), the average crop revenue program pre-planting price for a crop year for a covered commodity or peanuts in a State shall equal the average price that is used to calculate revenue under revenue coverage plans that are offered for the covered commodity in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop year and the preceding 2 crop years.

(B) ASSIGNED PRICE.—If the Secretary cannot establish the pre-planting price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(C) MINIMUM AND MAXIMUM PRICE.—In the case of each of the 2010 through 2012 crop years, the average crop revenue program preplanting price for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

(4) STATES WITH IRRIGATED AND NONIRRIGATED LAND.—In the case of a State in which at least 25 percent of the planted acreage in the State is under irrigation and at least 25 percent of the planted acreage in the State is not under irrigation, the Secretary shall calculate a separate average crop revenue program guarantee for the irrigated and nonirrigated areas of the State.

(e) PAYMENT AMOUNT.—Subject to subsection (f), if average crop revenue payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under subsection (b)(3), in addition to the amount payable under subsection (b)(2), the amount of the average crop revenue payment to be paid to the producers on the farm for the crop year under this section shall be increased by an amount equal to the product obtained by multiplying—

(1) the difference between—

(A) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(B) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c);

(2) 100 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year;

(3) the quotient obtained by dividing—

(A) the expected county yield for the crop year, determined for the county in the same manner as the expected State yield is determined for a State under subsection (d)(2); by

(B) the expected State yield for the crop year, as determined under subsection (d)(2); and

(4) 90 percent.

(f) LIMITATION ON PAYMENT AMOUNT.—The amount of the average crop revenue payment to be paid to the producers on a farm for a crop year of a covered commodity or peanuts under subsection (e) shall not exceed 30 percent of the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in a State determined under subsection (d)(1).

(g) RECOURSE LOANS.—For each of the 2009 through 2012 crops of a covered commodity or peanuts, the Secretary shall make available to producers on a farm who elect to receive payments under this section recourse loans, as determined by the Secretary, on any production of the covered commodity.

SEC. 1402. PRODUCER AGREEMENT AS CONDITION OF AVERAGE CROP REVENUE PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive average crop revenue payments with respect to the farm, the producers shall agree, and in the case of subparagraph (C), the Farm Service Agency shall certify, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.); and

(C) that the individuals or entities receiving payments are producers;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under part III of subtitle A, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use (including land subdivided and developed into residential units or other nonfarming uses, or that is otherwise no longer intended to be used in conjunction with a farming operation), as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm for which average crop revenue payments are made shall result in the termination of the payments, unless the transferee or owner of the farm agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to an average crop revenue payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of average crop revenue payments among the producers on a farm on a fair and equitable basis.

(f) AUDIT AND REPORT.—Each year, to ensure, to the maximum extent practicable,

that payments are received only by producers, the Secretary shall—

(1) conduct an audit of average crop revenue payments; and

(2) submit to Congress a report that describes the results of that audit.

SEC. 1403. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm for which the producers on a farm elect to receive average crop revenue payments (referred to in this section as ''base acres'').

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that average crop revenue payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) average crop revenue payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—Producers on a farm that elect to receive average crop revenue payments shall be eligible to participate in the pilot program established under section 1106(d) under the same terms and conditions as producers that receive direct payments and counter-cyclical payments.

(e) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), effective beginning with the 2009 crop

On page 1374, between lines 14 and 15, insert the following:

''(iii) 100 percent of the amount of the revenue component of any average crop revenue payments made to the producer under section 1401(b)(3) of the Food and Energy Security Act of 2007;''.

SA 3818. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 17, insert ''seafood, farm-raised aquaculture,'' after ''nursery crops,''.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, ''United Nations Development Program Operations in North Korea.'' In April 2007, the United Nations Development Program, UNDP, took the unprecedented step of shutting down its operations in North Korea due to refusals by the North Korean government to allow UNDP to increase the transparency and accountability of its funding programs there. The Subcommittee's December 13th hearing will examine UNDP operations in North Korea, reviewing evidence and taking testimony on certain problems in the relationship between UNDP and the North Korean government, whether the problems in North Korea are localized or systemic, and whether UNDP has sufficient whistleblower and ethics safeguards in place. Witnesses for the upcoming hearing will include representatives of the Government Accountability Office and the Department of State. Following the hearing, the Subcommittee will receive a public briefing from representatives of the United Nations Development Program. A final witness list will be available Tuesday, December 11, 2007.

The Subcommittee hearing is scheduled for Thursday, December 13, 2007, at 2 p.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, December 6, 2007, at 2:30 p.m. in order to conduct a hearing on foreign assistance to Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an Executive Business Meeting on Thursday, December 6, 2007, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Agenda

I. Bills: S.352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S.344, A bill to permit the televising of Supreme Court proceedings (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn); S.1638, Federal Judicial Salary Restoration Act of 2007 (Leahy, Hatch, Feinstein, Graham, Kennedy); S.1829, Protect Our Children First Act of 2007 (Leahy, Hatch); S.431, Keeping the Internet Devoid of Sexual Predators Act of 2007 (Schumer, McCain, Grassley, Specter, Kyl); and S.2344, Internet Safety Education Act of 2007 (Menendez).

II. Nomination: Ronald Jay Tenpas to be Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday December 6, 2007, at 2:30 p.m., in open session to receive a report of the Commission on Army Acquisition and Program Management in Expeditionary Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 60TH ANNIVERSARY OF EVERGLADES NATIONAL PARK

Mr. REID. Mr. President, I ask unanimous consent we proceed to S. Res. 392, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 392) recognizing the 60th anniversary of the Everglades National Park.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 392) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 392

Whereas Everglades National Park will celebrate its 60th anniversary on December 6, 2007;

Whereas when President Harry S. Truman dedicated Everglades National Park on December 6, 1947, he stated: ''Here is land, tranquil in its quiet beauty, serving not as the

source of water, but as the last receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country'';

Whereas Marjory Stoneman Douglas gave the Everglades the name ''River of Grass'' stating, ''There are no other Everglades in the world'';

Whereas Everglades National Park has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance, in recognition of its significance to all the people of the world;

Whereas the Everglades ecosystem encompasses 3,000,000 acres of wetlands and is the largest subtropical wilderness in the United States featuring slow-moving freshwater that flows south from Lake Okeechobee through sawgrass and tree islands to the mangroves and seagrasses of Florida Bay;

Whereas Everglades National Park is home to rare and endangered species, such as the American crocodile, the Florida panther, and the Western Indian manatee and more than 350 species of birds, including the Great Egret, Wood Stork, Swallow-tailed Kite, and Roseate Spoonbill;

Whereas the greater Everglades ecosystem is also an international center for business, agriculture, and tourism, with a rapidly growing population of varied ethnic, economic, and social values, all of which are dependent on a fully functioning ecosystem for an adequate freshwater supply, a healthy and sustainable economy, and overall quality of life;

Whereas Everglades National Park is the subject of the most extensive ecosystem restoration plan in the history of mankind, the Comprehensive Everglades Restoration Plan; and

Whereas this restoration plan must succeed in order for the treasures of Everglades National Park to be passed on to our children and grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 60th anniversary of Everglades National Park; and

(2) dedicates itself to the success of the Comprehensive Everglades Restoration Plan.

EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE TRAGIC EVENTS OF DECEMBER 5, 2007, AT WESTROADS MALL IN OMAHA, NEBRASKA

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 393, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 393), expressing the condolences of the Senate to those affected by the tragic events of December 5, 2007, at Westroads Mall in Omaha, NE.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Nebraska. Mr. President, I rise today to honor and remember the victims of yesterday's tragic shooting in Omaha, NE. I know every one of my colleagues joins me in extending our prayers and deepest sympathies to the families and friends of the victims and the entire Omaha community.

On Wednesday, December 5, 2007, the worst mass slaying in Nebraska history occurred at the Westroads Mall in Omaha, claiming the lives of eight victims. The names of those victims are: shoppers Gary Sharf of Lincoln, NE, and John McDonald of Council Bluffs, IA; and store employees Angie Schuster, Maggie Webb, Janet Jorgensen, Diane Trent, Gary Joy, and Beverly Flynn, all of Omaha. We must never forget these individuals or the horrible tragedy which took them from us.

In addition, five people were wounded. Nebraska stands with each of them on their road to recovery.

I concur with the words of Omaha Mayor Mike Fahey, who said, ''We are a community who will grieve this loss. Omaha is a good city with wonderful people.''

At Westroads Mall, this time of year is especially lovely with holiday decorations and music. That peace and tranquility were forever shattered by this senseless act of violence. Today, many Nebraskans are asking, ''Why?'' but there are no answers.

We are shocked, grief-stricken and in complete disbelief. Things like this should not happen anywhere, but headlines like these are unexpected in places such as Omaha. Our community has been altered forever—a sentiment reflected in today's headline in the state's largest newspaper, which declared: ''It Happened To Us.''

So, now as we are celebrating what should be the most joyous season of the year, Nebraskans are preparing to bury our dead. And we are praying. We ask the nation to continue to pray with us; and on behalf of my fellow Nebraskans, I thank you for all the prayers and expressions of sympathy we have received.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 393

Whereas, on Wednesday, December 5, 2007, the worst mass slaying in Nebraska history occurred at Westroads Mall in Omaha;

Whereas lives were tragically lost, and others were wounded;

Whereas the brave men and women of the Omaha Police Department, Fire Department, and other emergency responders acted valiantly to save lives;

Whereas the people of Omaha have embraced those affected and will continue to offer support to their neighbors who have suffered from this tragedy; and

Whereas the community of Omaha will endure the aftereffects of this tragedy to emerge stronger than it was before: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the friends and families of those who lost their lives in the tragic shooting on December 5, 2007, at Westroads Mall in Omaha, Nebraska: Gary Sharf of Lincoln, Nebraska, John McDonald of Council Bluffs, Iowa, and Angie Schuster, Maggie Webb, Janet Jorgensen, Diane Trent, Gary Joy, and Beverly Flynn, all of Omaha;

(2) shares its prayers and best wishes for recovery to those who were wounded;

(3) extends its thanks to the first responders, police, and medical personnel who responded so quickly and decisively to provide aid and comfort to the victims; and

(4) stands with the people of Omaha as they begin the healing process in the aftermath of this terrible attack.

NATIONAL CANCER RESEARCH MONTH

Mr. REID. Mr. President, I ask unanimous consent we now proceed to the immediate consideration of S. Res. 394, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 394) recognizing the 100th anniversary of the founding of the American Association for Cancer Research and declaring the month of May 2008 as National Cancer Research Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 394

Whereas the American Association for Cancer Research, the oldest and largest scientific cancer research organization in the United States, was founded on May 7, 1907, at the Willard Hotel in Washington, DC, by a group of physicians and scientists interested in research to further the investigation into and spread new knowledge about cancer;

Whereas the American Association for Cancer Research is focused on every aspect of high-quality, innovative cancer research and is the authoritative source of information and publications about advances in the causes, diagnosis, treatment, and prevention of cancer;

Whereas, since its founding, the American Association for Cancer Research has accelerated the growth and dissemination of new knowledge about cancer and the complexity of this disease to speed translation of new discoveries for the benefit of cancer patients, and has provided the information needed by elected officials to make informed decisions on public policy and sustained funding for cancer research;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and government have led to advanced breakthroughs, early detection tools which have increased survival rates, and a better quality of life for cancer survivors;

Whereas our national investment in cancer research has yielded substantial returns in terms of research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves our national economy $500,000,000,000;

Whereas cancer continues to be one of the most pressing public health concerns, killing 1 American every minute, and 12 individuals worldwide every minute;

Whereas the American Association for Cancer Research Annual Meeting on April 14 through 18, 2007, was a large and comprehensive gathering of leading cancer researchers, scientists, and clinicians engaged in all aspects of clinical investigations pertaining to human cancer as well as the scientific disciplines of cellular, molecular, and tumor biology, carcinogenesis, chemistry, developmental biology and stem cells, endocrinology, epidemiology and biostatistics, experimental and molecular therapeutics, immunology, radiobiology and radiation oncology, imaging, prevention, and survivorship research;

Whereas, as part of its centennial celebration, the American Association for Cancer Research has published ''Landmarks in Cancer Research'' citing the events or discoveries after 1907 that have had a profound effect on advancing our knowledge of the causes, mechanisms, diagnosis, treatment, and prevention of cancer;

Whereas these ''Landmarks in Cancer Research'' are intended as an educational, living document, an ever-changing testament to human ingenuity and creativity in the scientific struggle to understand and eliminate the diseases collectively known as cancer;

Whereas, because more than 60 percent of all cancer occurs in people over the age of 65, issues relating to the interface of aging and cancer, ranging from the most basic science questions to epidemiologic relationships and to clinical and health services research issues, are of concern to society; and

Whereas the American Association for Cancer Research is proactively addressing these issues paramount to our aging population through a Task Force on Cancer and Aging, special conferences, and other programs which engage the scientific community in response to this demographic imperative: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the American Association for Cancer Research on its 100 year anniversary celebration, ''A Century of Leadership in Science—A Future of Cancer Prevention and Cure'';

(2) recognizes the invaluable contributions made by the American Association for Cancer Research in its quest to prevent and cure cancer and save lives through cancer research;

(3) expresses the gratitude of the people of the United States for the American Association for Cancer Research's contributions toward progress in advancing cancer research; and

(4) declares the month of May 2007 as National Cancer Research Month to support the American Association for Cancer Research in its public education efforts to make cancer research a national and international priority, so that one day the disease of cancer will be relegated to history.

NATIONAL CARDIOPULMONARY RESUSCITATION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged charged from further consideration of S. Con. Res. 54 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 54) supporting the designation of a week as ''National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week.''

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 54) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 54

Whereas heart disease remains the leading cause of death in the United States;

Whereas heart disease affects men, women, and children of every age and race in the United States, regardless of where they live;

Whereas approximately 325,000 coronary heart disease deaths annually occur out of hospital or in an emergency room;

Whereas approximately 95 percent of sudden cardiac arrest victims die before arriving at the hospital;

Whereas sudden cardiac arrest results from an abnormal heart rhythm in most adults;

Whereas in 27.4 percent of cases of sudden cardiac arrest, the victim is located in a place other than a hospital and receives cardiopulmonary resuscitation by a bystander;

Whereas prompt delivery of cardiopulmonary resuscitation more than doubles the chance of survival from sudden cardiac arrest by helping to maintain vital blood flow to the heart and brain, increasing the amount of time that an electric shock from a defibrillator can be effective;

Whereas an automated external defibrillator, even when used by a bystander, is safe, easy to operate, and highly effective in restoring a normal heart rhythm, significantly increasing the chance of survival for many victims if used immediately after the onset of sudden cardiac arrest;

Whereas death or severe brain injury is likely to occur unless resuscitation measures are started no later than 10 minutes after the onset of sudden cardiac arrest;

Whereas the interval between the 911 call and the arrival of EMS personnel is typically longer than 5 minutes, and achieving high survival rates therefore depends on a public trained in cardiopulmonary resuscitation and automated external defibrillator use; and

Whereas the American Heart Association, the American Red Cross, and the National Safety Council are preparing related public awareness and training campaigns on cardiopulmonary resuscitation and automated external defibrillation to be held during the first week of June each year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the goals and ideals of a National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week to establish well-organized programs to increase public training in cardiopulmonary resuscitation and automated external defibrillator use and to increase public access to automated external defibrillators; and

(2) calls upon the people of the United States and interested organizations to observe such a week with appropriate ceremonies and activities.

PROVIDING FOR EXCLUSION FROM GROSS INCOME

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 4118, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4118) to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4118) was ordered to a third reading, was read the third time, and passed.

NAMING OF EMANCIPATION HALL

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 3315, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3315) to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3315) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, DECEMBER 7, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Friday, December 7; that on tomorrow, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then proceed to the House message on H.R. 6, as under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANCELLATION OF MEETING

Mr. REID. Mr. President, I think all offices have been notified, but we were going to have a briefing by Admiral McConnell and General Mukasey at 11 o'clock tomorrow in 407, but that has been canceled because of a change in schedule on the Senate floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:17 p.m., adjourned until Friday, December 7, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

ED SCHAFER, OF NORTH DAKOTA, TO BE SECRETARY OF AGRICULTURE, VICE MIKE JOHANNS, RESIGNED.

UNITED STATES SENTENCING COMMISSION

RICARDO H. HINOJOSA, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2013. (REAPPOINTMENT)

RICARDO H. HINOJOSA, OF TEXAS, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION. (REAPPOINTMENT)

MICHAEL E. HOROWITZ, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2013. (REAPPOINTMENT)

THE JUDICIARY

STEPHEN N. LIMBAUGH, JR., OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE DONALD J. STOHR, RETIRED.

WILLIAM E. SMITH, OF RHODE ISLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE BRUCE M. SELYA, RETIRED.

DEPARTMENT OF JUSTICE

GEORGE W. VENABLES, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE RAUL DAVID BEJARANO.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

ROBERT A. STOHLMAN, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

RAYMOND S. KINGSLEY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOSEPH V. TREANOR III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAMALA L. BROWNGRAYSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ALICIA J. EDWARDS, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

THERESA D. BROWNDOONQUAH, 0000
CHERYL A. JOHNSON, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JEFFREY J. HOFFMANN, 0000
WILLIAM C. OTTO, 0000
GERALD B. WHISLER III, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be colonel

KELLEY A. BROWN, 0000
EDWARD G. JOHNSON, 0000
MARK A. NIELSEN, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DANIEL J. JUDGE, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RICHARD HARRISON, 0000
GREGORY W. WALTER, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOE R. WARDLAW, 0000

To be major

DAVID COMPTON, 0000
NICKOLAS KARAJOHN, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

VANESSA M. MEYER, 0000

To be major

JAMES E. ADAMS, 0000

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING COACH RYAN TAGGART FOR COACHING THE GARAWAY GOLF TEAM TO WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SPACE. Madam Speaker:

Whereas, Coach Ryan Taggart showed hard work and dedication to the sport of golf; and

Whereas, Mike Taggart was a leader and mentor for the Garaway Golf Team; and

Whereas, Coach Taggart has been a role model for sportsmanship on and off of the greens; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Ryan Taggart for leading the Garaway Golf Team to winning the Division III State Golf Tournament. We recognize the tremendous hard work and leadership he has demonstrated during the 2007 golf season.

50TH ANNIVERSARY OF KBTV CHANNEL 4—BEAUMONT, TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. POE. Madam Speaker, today I am pleased to honor KBTV Channel 4 in Beaumont, TX on their 50th year of service to the Southeast Texas Community.

Community involvement is a tradition at KBTV 4. Whether it is emceeing a local fundraiser or volunteering on boards and committees, KBTV employees are an active part in the community in which they live and serve. They also host the Golden Apple Awards, which honors local teachers for their role in educating and developing the minds of Southeast Texas children.

The importance of passionately and accurately reporting on issues that affect our community cannot be overstated. Over the past 50 years NBC's KBTV has earned the reputation of a hard-working diligent news team. A reputation such as this only arises through hard work and commitment to the community that you serve. Hurricanes and floods have not been able to stop KBTV 4 from informing the public when it matters most. The Second Congressional District of Texas is extremely fortunate to have a first-class news station such as KBTV 4.

And that's just the way it is.

IN RECOGNITION OF THE SISTERS OF SAINT JOSEPH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Sisters of Saint Joseph, and to celebrate over 110 years of faithful service to Cleveland and Saint Colman Church.

Since the Sisters of Saint Joseph arrived in Cleveland in 1886, they have been tireless ministers to our most vulnerable neighbors. The Sisters founded the East and West Side Catholic Shelters, the West Side Catholic Center, Transitional Housing, and Seeds of Literacy, among others, in order to serve the poor and marginalized, as well as empower people to overcome obstacles.

As stewards of the health and well-being of the whole person, they founded Saint Joseph's Academy to educate Cleveland's young women, as well as River's Edge to nurture our spiritual health.

The Sisters remain committed to peace and justice issues in the community and throughout the world, conducting educational workshops and hosting trips to promote peaceful resolution to conflict, improve ecumenical dialogue, and combat violence and oppression.

Madam Speaker and colleagues, please join me in honoring the Sisters of Saint Joseph for over 110 years of service to Cleveland and the pursuit of peace. As we celebrate the feast of Saint Colman of Cloyne, may we all aspire to the dedication and generosity of the Sisters of Saint Joseph.

RECOGNIZING 200 YEARS OF RESEARCH SERVICE, AND STEWARDSHIP BY NOAA AND ITS PREDECESSOR AGENCIES

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. WOOLSEY. Mr. Speaker, today, I rise in support of H. Con. Res. 147, which recognizes the National Oceanic and Atmospheric Administration's (NOAA) 200th anniversary. When President Thomas Jefferson originally established the first Federal science agency, Survey of the Coast, in 1807, its mandate was to create charts for safe navigation. Over the years, bureaus related to the regulation and protection of our fisheries, the study of weather and climate change, and many other important responsibilities were added. Today, this agency, now known as NOAA, has a global reach and a broad range of programs that touch all our lives.

From promoting waterborne commerce and fisheries to predicting weather and global climate change, NOAA's role is crucial to our Nation. I'm particularly proud of the National Marine Sanctuaries, which were created under NOAA's jurisdiction in 1972. In Northern California, we are privileged to have three such sanctuaries, the Monterey National Marine Sanctuary, the Gulf of the Farallones National Marine Sanctuary, and the Cordell Bank National Marine Sanctuary. With our oceans and marine life increasingly threatened, these sanctuaries play an invaluable role in enhancement and protection.

The importance of the sanctuaries was recently highlighted when an oil spill polluted the precious waters of the San Francisco Bay with 58,000 gallons of oil. NOAA and marine sanctuary staff stepped in and provided key assistance in the clean-up and oil containment efforts. We were lucky to have them there. It's events like this that really highlight some of the important work done by NOAA and the marine sanctuaries.

This resolution is the product of the Resource Committee's leadership and I appreciate their introducing this resolution to honor NOAA's important work over the last 200 years. I hope that over the next 200 years, we are able to provide NOAA and the marine sanctuaries with the necessary resources and assistance to continue and expand upon the key work that it does.

RECOGNIZING 200 YEARS OF RESEARCH, SERVICE, AND STEWARDSHIP BY NOAA AND ITS PREDECESSOR AGENCIES

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise to express concern about the lack of progress that the National Oceanic and Atmospheric Administration (NOAA) has made on the issue of hurricane tracking and prediction.

Yesterday, the House passed a resolution honoring the 200th anniversary of NOAA, celebrating NOAA's many accomplishments. I voted for this resolution because the work of the men and women of NOAA has been and continues to be critical to keeping my constituents and the rest of our country safe from the threats of the hurricane season.

However, I continue to be uncomfortable with the management of NOAA's decision to spend $4 million for a public relations campaign about its anniversary celebration. To spend $4 million dollars at a time when resources should be applied to assessing and supporting one of the most critical weather tools in hurricane tracking and prediction, the Quick Scatterometer (QuikSCAT) satellite, is completely unacceptable.

The detailed daily snapshots provided by QuikSCAT allow climatologists, meteorologists, and oceanographers to better understand global weather abnormalities and to improve weather forecasting. In one day, QuikSCAT collects data covering 90 percent of the Earth's surface. Without the data provided by QuikSCAT, hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall and 10 percent less accurate 48 hours before landfall. This decrease in accuracy would lead to larger stretches of coastline under evacuation warnings and more local resources utilized.

That is why I helped author H.R. 2531, which authorizes $375 million to the National Oceanic and Atmospheric Administration (NOAA) for the design and launch of an improved QuikSCAT satellite. The new, next-generation satellite would maintain weather forecasting and warning capabilities and improve data capabilities for future weather-related disasters. The bill also requires that NOAA provide annual reports on the status of the satellite to ensure that Congress has sufficient time for authorizing and funding a replacement when necessary.

As a Member of Congress with over 70 miles of coastline in my district, I feel it is my responsibility to ask NOAA how we got to this point where a valuable satellite is on its last legs, and why our taxpayers are footing the bill for a PR campaign when hurricanes remain a daily threat to Florida and the entire region. I join in the celebration of NOAA's accomplishments for the last 200 years, but I urge them to be responsible with resources so that they can be effective for the next 200 years and beyond.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. SOLIS. Madam Speaker, I rise today in strong support for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 (H.R. 3887). I am proud to be an original cosponsor of H.R. 3887, which will provide new tools to protect against modern slavery, both in the immigrant community and among American citizens.

The Trafficking Victims Protection Act was originally enacted in 2000 to combat trafficking in persons, ensure the prosecution of human traffickers, and protect the victims of trafficking. The 2007 Trafficking in Persons Report released by the U.S. State Department estimated that approximately 15,000 to 20,000 people were trafficked to the United States annually. Victims were trafficked for forced labor and debt bondage in areas such as agriculture, sweatshop manufacturing, and domestic service. This legislation would direct the U.S. State Department to establish an office to monitor and combat human trafficking. It would also authorize the President to support international efforts to combat trafficking and to rescue and care for victims.

In California, Maria Suarez is one of the brave survivors of modern slavery who is working to protect others from cruel mistreatment. At the age of 16, Maria was sold as a sex slave to a 62-year-old man in California. He was killed by a neighbor and Maria was convicted of murder for her limited role in covering up the killing of her captor. Consequently, Maria served 22 years in jail before being pardoned.

When Maria was released from prison she was detained by the immigration service as a convicted felon. I led efforts in Congress, along with community activists, to provide relief to Maria and release her from immigration detention. In 2004, Maria was granted a T visa, which is a visa for victims of trafficking and provides legal status for them to remain in the U.S. for 3 years. After 3 years, T visa holders can apply for permanent resident status. This legislation would allow for the reunification of victims and their families, and would help Maria Suarez and others like her by making the immigration service recognize that victims should not be held responsible for what they are forced to do while they are enslaved.

I applaud Chairmen LANTOS and CONYERS for their hard work and continued dedication to this issue. Congress must continue fighting on behalf of those who have been forced into servitude and slavery and give these people a voice. I am hopeful that this legislation will give immigrant survivors of domestic violence and trafficking victims, such as Maria Suarez, a genuine opportunity to explain their circumstances before Federal authorities.

RECOGNIZING BIG WALNUT HIGH SCHOOL FOOTBALL

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. TIBERI. Madam Speaker, it is with pleasure I congratulate the Golden Eagles of Big Walnut High School as the Division III Football State Champions!

Head Coach Scott Wetzel, in his twelfth year leading the Golden Eagles, found his team tied 10–10 in the fourth quarter. With less than 10 minutes to play, Joe Reed scored on a 54-yard interception return which clinched the title for his team in the 17–10 victory over Licking Valley.

This season brought many firsts for this team, high school and county. This was Big Walnut's first-ever championship game appearance, and also the first time a Delaware County high school earned a state title! This 2007 football team advanced further than any other team in school history.

I'm proud to congratulate this team and community and join with them in celebrating the history made with their State Championship title!

HONORING THE MEMORY OF JANE MAURY DENTON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire Nation recently lost a special lady, and I rise today to honor Mrs. Jane Maury Denton and pay tribute to her memory.

Born in Mobile, Alabama, on March 22, 1926, Jane Maury was educated at The Convent of Visitation School in Alabama and Mary Washington College in Virginia. She married Mobile native, Jeremiah Denton, on June 6, 1946, the day he graduated from the U.S. Naval Academy.

Mrs. Denton and her husband reared seven children while living in many states and Europe during her husband's distinguished military career; unfortunately, for almost 8 years, she reared their children alone. On July 16, 1965, while serving in the Vietnam War, then-Captain Denton's plane was shot down over the city of Thanh Hoa. He was held as a prisoner-of-war for eight long years in Hanoi, Vietnam.

During her husband's imprisonment, Mrs. Denton helped found the National League of Families of Prisoners of War and Missing in Action. Her tireless work on behalf of all American airmen held prisoner in North Vietnam is credited with obtaining a more humane treatment and ultimate release.

Jerry Denton returned home a true American hero; obviously, he and Jane had so many years of their lives for which to catch up. In 1980, Admiral Denton successfully ran for the U.S. Senate from Alabama. As a senator's wife, Jane became a true champion for the improvement of America's mental health facilities.

In recognition of her life-long support for her husband's naval career in addition to her work as an advocate for POWs, Mrs. Denton was given the honor of sponsoring and christening the USS *Mobile Bay*, a Ticonderoga Class Cruiser in 1985. The day she christened the ship, she said, "The event will be a real highlight of my life. My pleasure at receiving this honor is multiplied by my love for the Navy, my concern for our national defense, and my pride in having a fine ship named for Mobile Bay."

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama, as well as a wonderful wife and devoted mother. Mrs. Denton will be missed by her family—her husband of 61 years, Senator Jeremiah Denton; their children, Jeremiah Denton III, Donald Denton, James Denton, William Denton, Madeleine Doak, Michael Denton, and Mary E. Denton; her sister, Madeleine McPhillips; her 14 grandchildren; and her three great-grandchildren—as well as the many countless friends she leaves behind. Our thoughts and prayers are with them all during this difficult time.

A PROCLAMATION HONORING AL DAVIES FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SPACE. Madam Speaker:

Whereas, Al Davies competed in England's largest youth soccer tournament; and

Whereas, Al Davies showed hard work and dedication to the sport of soccer; and

Whereas, Al Davies has broadened her abilities and skills in the sport of soccer; and

Whereas, Al Davies was a supportive team player; and

Whereas, Al Davies always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Al Davies on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

TRIBUTE TO SOUTH FORK VOLUNTEER FIRE DEPARTMENT OF PENDLETON COUNTY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor South Fork Volunteer Fire Department of Pendleton County, West Virginia which will be celebrating its 45th anniversary.

South Fork Volunteer Fire Department was incorporated December 6, 1962. Those serving as the first officers were President: Herald Williams, Vice-President: Fred Williams, Secretary: Carl Nesselrodt, and Treasurer: Orville Gum; and the original members also included Marvin Hartman, Albert Joseph, Sheridan Layman, Harold Miller, Harold Wilson, and Mervin Zirk. The formation of the fire department would not be possible without community involvement; the land and materials used for the construction of the original firehouse were all donated, many by the original members and officers.

South Fork Volunteer Fire Department has expanded its facilities, equipment, and operations over its 45 year span. Construction was completed on March 20, 2004 for a new firehouse located on Route 21. South Fork Volunteer Fire Department now boasts 35 volunteer members, 15 auxiliary members, and has a fleet of six vehicles.

I would like to extend my gratitude to the past and current members of South Fork Volunteer Fire Department for providing safety to our citizens in times of emergency and dire need. Our first responders and volunteer fire departments represent the best of our communities.

I extend congratulations to South Fork Volunteer Fire Department and all of those who have been involved with 45 successful years of serving and protecting the community of Brandywine.

LAMAR UNIVERSITY COMMUNICATIONS DEPARTMENT RECOGNIZED FOR DOCUMENTARY TEXAS WETLANDS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. POE. Madam Speaker, today I am pleased to honor the students and faculty of the Lamar University Department of Communication for their work on Texas Wetlands, a documentary film underlining the importance of Texas Wetlands to our nation's ecosystem. This film was recently awarded first place in the student/amateur category at the North American Association for Environmental Education/Pierce Foundation Environmental Education Film and Video Festival. This prestigious award granted the documentary the opportunity to be premiered last week at the NAAEE's Annual Conference.

Wetlands can be found up and down the 360 miles of Texas' sprawling Gulf Coast. Many of these wildlife sanctuaries are located in or just outside the Second Congressional District. Lamar students and professors along with 42 middle and high school students traveled to wetland areas in the Big Thicket, Shangri La, and the JD Murphee Wild Life Management Area to capture footage for their award winning documentary. Students, with the guidance of their professors in the Communications Department, wrote, edited, did the videography and appeared as reporters in the film.

Lamar University and its students, who I am proud to represent, continue to achieve in all areas of higher learning. Recognizing the importance of Texas' natural resources, Lamar University has taken a proactive approach in preserving these wetlands. Soon our country will need to look to a new generation of leaders to help her face adversity, both foreign and domestic. I am confident that these leaders will emerge from the halls of Lamar University.

And that's just the way it is.

IN RECOGNITION OF CAROL WATKINS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Carol Watkins for her 46 years of public service to the people of Northeast Ohio.

Carol began her career in 1960 at the Cleveland Downtown Social Security Field Office. She held many positions at the office over the years, including Clerk Stenographer, Executive Secretary, Management Analyst, Administrative Officer and Group Supervisor. In 1984, she accepted the appointment of Hearing Office Director at the Cleveland Office of Disability Adjudication and Review.

During her tenure at the Cleveland ODAR, Carol has worked with over thirty Administrative Law Judges and has been recognized many times for her tireless dedication. Under her leadership, the Cleveland ODAR had received several national and regional awards as well as recognition from the legal and charity communities.

Madam Speaker and colleagues, please join me in honoring Carol Watkins for her lifetime commitment to serving the Cleveland community through her career with the Social Security Administration. May her dedication to public service serve as an inspiration for us all.

HONORING LARRY DITO

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor a man who has literally changed the face of one of the largest cities in my district. Larry Dito has for 35 years directed the parks, recreation and community services program for the City of Novato. On a small budget, using good old-fashioned teamwork and cooperation, Larry has enriched the lives of skateboarders, dog owners, seniors and teens by creating new buildings, new parks and new opportunities, as well as renovating older ones and making them usable.

From his first days here, in 1972, Larry gather a small, loosely-banded group of rural folks and formed it into a community.

''He developed the mission of the department to enrich community life,'' says Jennifer Goldfinger, assistant to the city manager. ''And that's really what he's been all about.''

Larry accomplished this by convincing people to work together for the greater good. Members of Rotary, Elks, schools and neighborhoods pitched in to realize the vision of a community where all its citizens could enjoy living there.

''He is known for creating partnerships,'' Goldfinger explains. ''He's very good at bringing people together.'' And those same people extol his virtues. He is universally liked and admired.

''I cannot think of a negative thing about him,'' notes Nancy Sangster, who, as a former parks and recreation commissioner, worked with Larry for years and still considers him a friend. ''Any good word you can find in the dictionary, you can say about him.''

High praise, perhaps, but Larry has earned it. Thanks to his work, Novato seniors have the Margaret Todd Senior Center. Because of Larry's ability to build consensus with other organizations, Novato teens have a place to hang out—the Novato Teen Center. With Larry's help and guidance in engineering a joint project, the City's children have the Novato Gymnastics Center, the skate park, the Hill gym, and a full complement of girls' sports programs and after school athletics.

But Larry has not just created new programs and facilities; he has also given new life to the old. He spearheaded the renovation of the Indian Valley College swimming pool, as well as the outdoor ball fields there.

Sangster adds to the list the Hamilton reuse projects at the old Hamilton Air Force Base. Here, Larry had the pool and amphitheater renovated for activities, programs and plays the entire county can participate in.

His tireless efforts have also resulted in a number of small alterations in the city—improvements that most people didn't notice, but that affected the lives of many. For example, it was Larry who convinced concerned homeowners that allowing the upgrade of neighborhood parks to make them ADA accessible would actually benefit them, as well.

''He always found groups to help build, so that much of the labor was donated,'' Sangster explains. ''He knows how to bring out the best in everybody.''

And this list doesn't begin to include all Larry's accomplishments.

Across the freeway from the giant Novato shopping center called Vintage Oaks runs a brackish haven for water fowl, lined with cattails and, on the weekends, cars of the many visitors. Rescued from developers who would have turned it into condos, this lovely marsh attracts birds, frogs, snakes, people and dogs. For commuters stuck in the nightmare traffic that lines the freeway to the east, Scottsdale Marsh is a reminder of to relax.

It is also, says Sangster, one of the most outstanding such projects in the United States.

How did one man accomplish so much? He works long hours, yes, but even more, he knows how to lead. Larry's sparkling personality brings people together and puts them at ease. They recognize he is genuine. Sangster explains that he is not only a good delegator, but he inspires confidence in others to make decisions—and they are good decisions. He expects the best and people rise to the occasion.

In addition to his dedication to the City of Novato, Larry is a devoted family man who assumed leadership responsibility for his own children's sports groups as they were growing up. And he's the kind of friend who is always there to help out.

''He always puts his friends above his personal plans,'' Sangster says, recounting how 10 years ago, Larry and his wife gave up travel plans for their anniversary in order to attend her husband's funeral. ''Everybody is important to him.''

Madam Speaker, every part of the City of Novato bears the stamp of Larry Dito's efforts to improve life for every member of the community—young, old, wealthy, working-class or needy, athlete or amateur. But even more, the residents of Novato carry the legacy of this man's example—that one person can be the catalyst for change to create a community.

And that, Madam Speaker, is why I honor Larry Dito on his retirement, after 35 years in service to a community forever in his debt.

MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2007

SPEECH OF

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise today to support the Improve & Expand Small Business Assistance Programs for Veterans Act of 2007. America's veterans have given their best for this country, for the freedoms that we cherish so much, and we must give them our best in return.

This legislation would expand the Small Business Administration's Office of Veterans Business Development in order to facilitate better business outreach to our Nation's veterans. The legislation requires that the SBA open two additional Veterans' Outreach offices in the coming year and expand opportunities for women veterans. It would also allow veterans to obtain reduced fee SBA loans.

Approximately 5 percent of the 80 million small businesses in this country are owned by veterans. Veteran-owned small businesses have a higher success rate than other small businesses, perhaps because of the strong work ethic and value system that the military imbues in its soldiers. I support this legislation because it will help veterans to enter and compete in today's business world, and I urge my colleagues to support this legislation today.

RECOGNIZING THE CONTRIBUTIONS OF DEAN AGUILLEN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Ms. SOLIS. Madam Speaker, today I rise to recognize Dean Aguillen, an intelligent individual who has been on Speaker PELOSI's staff since 2002. Originally from San Antonio, Texas, he most recently served as a Senior Adviser and Director of Member Services in the Speaker's office. Dean's hard work, dedication, and skills are the reasons why he was so respected by his colleagues and Members.

I had the pleasure of knowing Dean over the last several years. Dean attended the weekly Congressional Hispanic Caucus, CHC, luncheons to give our caucus a House update and he proved to always be responsive to our needs. He was a valuable player in the Speaker's office and he represented her well before the CHC. He has made a lasting impression on the CHC and I commend Dean for his commitment to this country and to the Latino community

While I am sad to see Dean leave, I am confident that the future will bring him much success. I wish Dean good health and the best of luck in all of his future endeavors. Buena suerte Dean.

RECOGNIZING NEWARK CATHOLIC HIGH SCHOOL FOOTBALL

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. TIBERI. Madam Speaker, Ohio is known for football. Many players from the State's two NFL teams, and our No. 1 ranked Ohio State Buckeyes have been playing football in Ohio since childhood. The rich football tradition was again highlighted in my district, as I am proud to recognize Newark Catholic High School as Division VI State champions.

Head Coach Bill Franks's team didn't have an easy road to get the championship title, it was a road paved with hard work and determination. This wasn't the first trip to the big game for Newark Catholic, as they have seven State titles under their belt. Even with a strong team, the competition was harder than ever this season. Newark Catholic had gigantic wins over both the second and sixth place teams, which earned them a ticket to the championship game against an unbeaten Bascom Hopewell-Loudon.

I feel honored to represent such a rich history of football at this high school. Newark Catholic won its first title back in 1978 and since then the Green Wave has claimed six championship titles. There is even a book telling the story of the exceptional football program at this high school titled, ''Growing Up Green: Newark Catholic Football and the 1985 State Championship.''

After the 28–14 win on December 1, the school can proudly display their eighth title win. With a history like that, I'm sure the future is bright for this football program.

Congratulations to all of the coaches, players, families and community.

CONGRATULATING NELLE HARPER LEE ON THE OCCASION OF BEING AWARDED THE PRESIDENTIAL MEDAL OF FREEDOM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise today to honor one of the most beloved residents of Alabama, Miss Nelle Harper Lee, on the occasion of her receiving the Presidential Medal of Freedom for her novel To Kill a Mockingbird.

A native of Monroeville, Alabama, Miss Lee began her writing career at the University of Alabama where she wrote for student publications and served for one year as the editor of a campus humor magazine. She moved to New York City in 1950 where she worked as a reservations clerk with Eastern Air Lines and BOAC.

In 1956, Miss Lee found an agent, and soon after, she began the draft of To Kill a Mockingbird. The novel was published on July 11, 1960, and became an immediate bestseller. She won the 1961 Pulitzer Prize for Fiction for her novel, and in a 1999, poll run by the Library Journal, her novel was voted ''Best Novel of the Century.''

In 1966, Miss Lee was named to the National Council of Arts by President Johnson, and since that time, she has received many honorary doctorate degrees for her outstanding contributions to literature.

Madam Speaker, Miss Lee's masterpiece To Kill a Mockingbird is a model of literary achievement that has become an American classic. Its pages spoke a strong message of honor and tolerance during our Nation's struggle for equality. So, from one native south Alabamian to another, please accept my heartfelt expression of pride—on behalf of all of us who, over the years, have been touched in some way by ''Mockingbird.''

It is only appropriate that I ask my colleagues to join with me in congratulating Miss Nelle Harper Lee on receiving this award. I know her sisters—Louise Lee Conner and Alice Lee—her family and her many friends join with me in praising her significant accomplishments.

Today, Madam Speaker, I rise to ask that President George W. Bush's remarks in honor of Miss Lee made at the ceremony for the 2007 Medal of Freedom recipients be entered into the CONGRESSIONAL RECORD:

PRESIDENT BUSH HONORS MEDAL OF FREEDOM RECIPIENTS, EAST ROOM—NOVEMBER 5, 2007

THE PRESIDENT. Good morning. Laura and I are thrilled to welcome you to the White House. We welcome the members of Congress, the members of the Cabinet, and other distinguished guests. It's an honor to be with the Medal of Freedom recipients, as well as their family members and friends. We're sure glad you're here.

The Medal of Freedom is the highest civil honor that a President can bestow. By an executive order of John F. Kennedy, the medal is designed to recognize great contributions to national security, the cause of peace and freedom, science, the arts, literature, and many other fields. The eight men and women came to this distinction by very different paths. Each of them, by effort and by character, has earned the respect of the American people, and holds a unique place in the story of our time.

The story of an old order, and the glimmers of humanity that would one day overtake it, was unforgettably told in a book by Miss Harper Lee. Soon after its publication a reviewer said this: ''A hundred pounds of sermons on tolerance, or an equal measure of invective deploring the lack of it, will weigh far less in the scale of enlightenment than a mere 18 ounces of a new fiction bearing the title To Kill a Mockingbird.''

Given her legendary stature as a novelist, you may be surprised to learn that Harper Lee, early in her career, was an airline reservation clerk. (Laughter.) Fortunately for all of us, she didn't stick to writing itineraries. (Laughter.) Her beautiful book, with its grateful prose and memorable characters, became one of the biggest-selling novels of the 20th century.

Forty-six years after winning the Pulitzer Prize, To Kill a Mockingbird still touches and inspires every reader. We're moved by the story of a man falsely accused—with old prejudice massed against him, and an old sense of honor that rises to his defense. We learn that courage can be a solitary business. As the lawyer Atticus Finch tells his daughter, ''before I can live with other folks I've got to live with myself. The one thing that doesn't abide by majority rule is a person's conscience.''

Years after To Kill a Mockingbird was put to film, the character of Atticus Finch was voted the greatest movie hero of all time. It won Gregory Peck the Oscar. He was said to believe the role ''brought him closest to being the kind of man he aspired to be.'' The great actor counted Harper Lee among his good friends, and we're so pleased that Gregory Peck's wife, Veronique, is with us today. Thank you for coming.

One reason To Kill a Mockingbird succeeded is the wise and kind heart of the author, which comes through on every page. This daughter of Monroeville, Alabama had something to say about honor, and tolerance, and, most of all, love—and it still resonates. Last year Harper Lee received an honorary doctorate at Notre Dame. As the degree was presented, the graduating class rose as one, held up copies of her book, and cheered for the author they love.

To Kill a Mockingbird has influenced the character of our country for the better. It's been a gift to the entire world. As a model of good writing and humane sensibility, this book will be read and studied forever. And so all of us are filled with admiration for a great American and a lovely lady named Harper Lee.

Now I call on the military aide to read the citations for the Presidential Medal of Freedom.

MILITARY AIDE. Harper Lee. Harper Lee's beautiful book is a meditation on family, human complexity, and some of the great themes of American life. At a critical moment in our history, To Kill a Mockingbird helped focus the nation on the turbulent struggle for equality. The novel became an instant American classic and earned her a Pulitzer Prize. Nearly half a century after its publication, her work continues to captivate new readers who encounter its compelling power for the first time. The United States honors Harper Lee for her outstanding contribution to the great literary tradition of America.

THE PRESIDENT. Thank you all for coming. Laura and I now invite you to a reception here in the State Dining Room. I hope you've enjoyed this ceremony as much as I have. May God bless you all. Thank you.

A PROCLAMATION HONORING RAYMOND ''SKEET'' BOTDORF FOR HIS SERVICE TO THE MILITARY AND UNITED STATES VETERANS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SPACE. Madam Speaker:

Whereas, Raymond ''Skeet'' Botdorf was a member of the Army Band Corps; and

Whereas, he earned a Bronze Star for capturing a Nazi Prison Officer who tried to escape from a prison camp in Czechoslovakia; and

Whereas, Raymond ''Skeet'' Botdorf is a member of the VFW Post 63 in Dover, Ohio; and

Whereas, he plays TAPS for an average of 100 funerals a year; and

Whereas, Raymond ''Skeet'' Botdorf has honored 3,000 veterans by playing TAPS at their funerals; and

Whereas, Raymond ''Skeet'' Botdorf is saluted for his service and dedication; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Raymond ''Skeet'' Botdorf for his contributions to his community and country.

TRIBUTE TO WILLIAM RHODES

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor William Rhodes of Gandeeville, WV, for attaining the rank of Eagle Scout.

William has been involved as a member of the Boy Scouts for the past 6 years as a member of Troop 434 sponsored by Walton Union Church in Walton, WV. For his Eagle Scout project, William improved the facilities at Bessie Jones Memorial Park. He constructed a handicap accessible bridge, trash can receptacles, three benches, and most notably built a trail at the park complete with signage, so walkers could easily navigate their way.

His accomplishments and hard work demonstrate the high standards held by those who achieve the rank of Eagle Scout. He has been involved with his local 4–H Club and played freshman and junior varsity football for the Roane County Raiders. William is currently a junior at Roane County High School and attends Roane-Jackson Vocational School, where he is studying auto mechanics.

I extend my congratulations to William and look forward to his future accomplishments. Roane County is fortunate to have such a dedicated, patriotic, young man among its citizens.

RECOGNIZING 200 YEARS OF RESEARCH, SERVICE, AND STEWARDSHIP BY NOAA AND ITS PREDECESSOR AGENCIES

SPEECH OF

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SHULER. Mr. Speaker, I rise today to recognize the contributions of the National Oceanic and Atmospheric Administration (NOAA). NOAA has been the leader in national research on oceans and the atmosphere, and their effect on the human environment.

NOAA evolved from the Survey of the Coast, established in 1807, to an organization that provides daily forecasts, storm warnings, and climate monitoring to a variety of organizations that support marine commerce. NOAA has a presence in each of the 50 States and countries worldwide. NOAA takes part in the most advanced, cutting-edge research, using new and innovative technologies to ensure this country's economic future.

I am very proud that Western North Carolina is home to the National Climate Data Center, the largest archive of weather and global climate related data, including that data collected by NOAA. The center holds data as old as 150 years old, and as recent as a few hours ago.

NOAA, and NCDC, are integral to our Nation's success as a global economy. I ask my colleagues to join me in recognizing the contributions of NOAA.

IN CELEBRATION OF THE LIFE OF VERICE M. MASON

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise in celebration of the life of my dear friend Verice M. Mason who passed away December 2, 2007 at the age of 55. A native of Waynesburg, Pennsylvania, Verice resided in Washington, DC prior to moving to Metuchen, New Jersey 30 years ago. A 1970 graduate of Theodore Roosevelt High School in Washington, DC, Verice would go on to obtain her undergraduate degree from Case Western Reserve University in Cleveland, Ohio and later her law degree from Rutgers School of Law in Newark.

Verice had a long and distinguished professional career. She served as Senior Vice President and General Counsel for MDAdvantage Insurance Company, responsible for all legal and regulatory matters for the company. Prior to joining MDAdvantage, Verice was appointed chief of the Authorities unit in the Governor's Counsel Office in 2004 by Governor Richard J. Cody, where she represented the Governor's interests and served as his liaison to over 40 authorities, boards and commissions.

Other positions held by Verice include Senior Vice President and General Counsel for the MIIX Group, Inc., partner in New Jersey's office of Peterson, and assistant commissioner

for the office of Legislative and Regulatory Affairs for the New Jersey Department of Insurance.

Verice was extremely involved in her community. She was previously active in the Metuchen-Edison Branch of the NAACP and received the NAACP Honorable Barbara Jordan Community Activist Award. She served as both treasurer and co-president of the Metuchen Parent-Teacher Council and treasurer of the Citizens for Quality Education. She was a trustee of the Metuchen Education Foundation. She was also a member of the Second Baptist Church of Metuchen.

I first met Verice Mason at Case Western Reserve University in the early 1970's. I was a house mother and she was a student. She had a wonderful zest for life. We were both active in the African American Society and she was very instrumental in helping other black students adjust to life on a predominantly white college campus. She and her college roommate Joan Brooks set a loving example of sisterhood that we all strived to emulate.

On behalf of the Congress of the United States and the people of the 11th Congressional District of Ohio, I would like to offer my sincere condolences to the family and friends of Verice Mason including her husband Mark, two sons Matthew and Mark and her father Matthew. May her legacy of love live on in our hearts.

INCLUDING ALL BANKING AGENCIES WITHIN THE EXISTING REGULATORY AUTHORITY UNDER THE FEDERAL TRADE COMMISSION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. DINGELL. Mr. Speaker, I rise in strong support of this legislation, and am proud to join my colleague, the gentleman from Massachusetts and Chairman of the Committee on Financial Services, Rep. FRANK, in sponsoring this bill. It represents an important first step in improving the protection of consumers of depository institutions. H.R. 3526 was referred to both of our Committees (Energy and Commerce has Rule X jurisdiction over consumer protection and consumer affairs) and reported unanimously by both. I urge its adoption by the House.

The Supreme Court's ruling earlier this year in Watters v. Wachovia Bank N.A. upheld a regulation by the Department of Treasury's Office of the Comptroller of the Currency (OCC) that permits operating subsidiaries of national banks to violate State laws with impunity. The Court ruled that the bank's operating subsidiary is subject to OCC superintendence, even if there effectively is none, and not the licensing, reporting, and visitorial regimes of the States in which the subsidiary operates. The practical effect of the OCC's far-reaching preemption authority as interpreted and blessed by the courts is that it prevents States from using their historical authority to protect consumers and communities in large parts of the financial services marketplace, a huge consumer protection gap that evildoers have exploited and the Federal banking regulators have not shown an inclination or an ability to fill.

As explained more fully in our respective Committee reports, banks are covered by the Federal Trade Commission Act's prohibition against "unfair or deceptive acts or practices in or affecting commerce," but the rule writer for them is not the Federal Trade Commission, the expert agency who implements and enforces this provision across the vast majority of the U.S. economy, but rather the Board of Governors of the Federal Reserve. It has done very little. Given the tide of complaints about abusive practices with respect to loans, credit cards, checking accounts, and other products, this is clearly unacceptable. H.R. 3526 therefore includes all Federal baking regulators, and not just the Federal Reserve, within the existing mandate under Section 18(f) of the FTC Act to adopt rules identifying and prohibiting unfair or deceptive acts or practices by depository institutions.

The Committee on Energy and Commerce was pleased to adopt improvements to this legislation. We amended it to require the banking regulators to consult with the FTC when promulgating any such rules, to allow the FTC to use the notice and comment procedures of the Administrative Procedure Act in concurrent rulemakings with the bank regulators, and to require GAO to report on the status of bank rules under these authorities.

I want to assure Members that the Committee on Energy and Commerce and its Subcommittee on Commerce, Trade, and Consumer Protection intend to engage in vigorous oversight, in consultation with the Committee on Financial Services, to make sure that this authority is aggressively used. The public will greatly benefit from it.

CELEBRATING THE LIFE OF FRANCES MURPHY II

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Ms. NORTON. Madam Speaker, I rise to ask the House of Representatives to join the residents of the District of Columbia and thousands of Americans throughout the country in thanksgiving for the life of Frances Murphy II. The influential Publisher Emeritus of the Washington Afro-American newspaper was especially revered in this city and in her hometown of Baltimore, where the Baltimore Afro-American is published, for coverage that African Americans got nowhere else in the press. Frances Murphy's leadership in journalism and publishing and her decades of work as a reporter, columnist, and editor were instrumental in educating and raising the consciousness of African Americans through unfailing investigations and coverage on matters of race that furthered the determination of people of all races to struggle against racial discrimination. As fearless as she was able, Frances Murphy was the scion of the nation's most distinguished African American newspaper family, but she insisted on making it to the top the hard way. Ms. Murphy rose to the pinnacle of running the family business, but only after selling the Afro as a child and submitting pieces for its children's section, educating herself at one of the nation's finest schools of journalism, becoming an entry-level reporter and then learning the business first hand by performing every function until she ran the papers. It would be unusual for a woman to become head of a newspaper empire today, but Frances Murphy's rise as a pre-feminist pioneer was all the more remarkable. Throughout her long and storied career, Ms. Murphy became a life long learner, pursuing additional degrees and always educating herself. In the process, she applied the same standard to the public by insisting on educating all of us. I ask my colleagues to join me in celebrating the remarkable life of Frances Murphy II.

RECOGNIZING PRINCIPAL DWIGHT WAGNER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. POE. Madam Speaker, today I am pleased to honor Port Arthur elementary school Principal Dwight Wagner, recent recipient of Port Arthur News' Citizen of the Year Award. The award was given to a man that has spent his entire life displaying excellence and commitment to community. For over 30 years, Mr. Wagner has been employed with the Port Arthur Independent School District, serving as a teacher and an administrator.

Principal Wagner is a Port Arthur native who has spent a lifetime giving back to his community. After graduating from Thomas Jefferson High School, he received his bachelor's and master's degrees right down the street at Lamar University.

His honors are numerous, including Wal-Mart Teacher of the Year Award, NAACP Amos Evans Service Award, and the Sertoma Organization's Service to Mankind Award.

Known throughout his community for his musical ability, Principal Wagner composed the official city song of Port Arthur, "City by the Sea." His vocal talents provide entertainment at numerous community events and various local stage performances.

On behalf of the entire Second Congressional District of Texas, I would like to congratulate Principal Wagner on his latest award and thank him for his many years of service to the Port Arthur Community.

And that's just the way it is.

COMMENDING THE CITY OF PRICHARD, ALABAMA, AND ITS MAYOR RON DAVIS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. BONNER. Madam Speaker, I rise today to commend the city of Prichard, Alabama, its mayor, Ron Davis, and the city council for successfully eliminating the city's debt.

On November 9, 2007, Mayor Davis signed two checks at a ceremony at the A.J. Cooper Municipal Complex, officially paying off the city's creditors a full year ahead of schedule. As Mayor Davis stated while signing these checks, the city of Prichard is now open for business—business that includes the Dale Earnhardt, Jr. Alabama Motorsports Park and theme park, which will feature stock car racing, drag racing, and a road course.

Founded as a settlement in the 1830s, Prichard was incorporated as a city in 1925. During World War II, it became home to many who worked for the shipbuilding companies in Mobile.

The closing of Brookley Air Force Base in the late 1960s, followed by the closings of Scott and International Paper companies in the early 1990s, cost many Prichard residents their jobs and forced them to move away from the city. In 1999, the city filed for Chapter 9 bankruptcy protection in federal court, revealing the city owed $5.3 million to creditors. Over the last eight years, the city has been paying this debt with quarterly payments—some as much as $1.5 million.

Madam Speaker, the residents of Prichard, Alabama, have firmly rooted themselves in their proud history, but they also keep an optimistic and careful eye on the road ahead. I have no doubt that the consistent leadership and inspired vision of today's residents will lead to great success in the coming years.

I ask my colleagues to join me in commending the city of Prichard as well as the leadership of Mayor Ron Davis and the city council. It is my hope that Prichard enjoys continued prosperity, and it is my distinct pleasure to represent this community in the United States House of Representatives.

A PROCLAMATION HONORING THE 200TH BIRTHDAY OF FREDERICKTOWN

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SPACE. Madam Speaker:

Whereas, Fredericktown will celebrate the 200th birthday with great joy; and

Whereas, they will reflect on the past 200 years with fondness and celebrate; and

Whereas, Fredericktown will reminisce on a lifetime full of memories and look forward to many more; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I wish Fredericktown a happy 200th birthday.

TRIBUTE TO MIKE BUNNER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize Mike Bunner of Buckhannon, WV, who recently attained the rank of Eagle Scout on November 12, 2007. He is the son of Roy Michael Bunner and Jennifer Lee Bunner.

Mike is a member of Boy Scout Troop 106 and is sponsored by Sand Run Baptist Church in Buckhannon, WV. He has been involved in scouting since August of 2004. During his time in Boy Scouts, he has earned 31 Merit Badges and was awarded the prestigious Order of the Arrow. For his Eagle Scout project, Mike constructed a play area for a local Christian school.

Mike is truly a representative of the Scout Oath, "to do duty to God and country." He has been involved with the 4–H Club for six years where he has excelled in leadership and community service activities. He is also a member of his church's youth group.

His many accomplishments demonstrate the high standards held by those who achieve Eagle Scout. I extend my congratulations to Mike and look forward to his future accomplishments.

TRIBUTE TO A. JAMES CLARK ON THE OCCASION OF HIS 80TH BIRTHDAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. HOYER. Madam Speaker, I rise today to honor an extraordinary individual, who celebrated, on December 2, 2007, one of society's milestones, his 80th birthday. From a humble beginning as a student on a state scholarship at the University of Maryland, Jim rose to head one of the leading construction companies in the United States. Professionally, his lifetime has been filled with magnificent buildings and public spaces; his less-public achievements have been equally successful. Jim Clark is an individual of great kindness and generosity, exemplified by his philanthropic efforts. He has given generously and without reservation to his alma mater, his community and his country. By brilliant example, Jim Clark's flames of achievement have built a better world, and in so doing, have lighted the way for all of us. Jim also has been blessed with his wife Alice, his 3 children and 10 grandchildren. We wish this truly remarkable man all the love and happiness he deserves on this special occasion.

THE ECONOMIC COSTS OF AN UNHEALTHY AMERICA

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. BOREN. Madam Speaker, recently, the Milken Institute released what I believe to be a landmark study on the cost to the United States from the startling growth of chronic disease in this nation. Its findings are eye-opening:

More than half of all Americans suffer from one of more of the following diseases—cancer, diabetes, hypertension, stroke, heart disease, pulmonary conditions or mental disorders.

Over the past 20 years we have spent trillions of dollars in research and treatment on these diseases, improving both treatment and mortality outcomes but the rates of chronic disease continue to climb.

If no changes are instituted, within 16 years, 2023, there will be a 42 percent increase in the number of cases.

The cost to the American economy will be $4.2 trillion in treatment costs and lost productivity, with lost productivity accounting for 81 percent of all costs.

Improving Americans' health behaviors through anti-obesity and anti-smoking efforts can save the U.S. $1.6 trillion in treatment and lost productivity, decrease the number of cases by 40 million and improve gross domestic product by $254 billion.

Let me put these numbers into some kind of perspective. The $4.2 trillion cost to the economy if nothing changes is greater than the current gross domestic product of France, the United Kingdom and Spain combined. That amount is greater than the current GDPs of either Africa or Latin America and not much lower than the GDPs of the two continents combined.

The recommendations of the Milken Institute, which describes itself as an independent economic think tank, center on ensuring that incentives in the health care system focus on prevention and early disease intervention and that we commit as a nation to achieving a "healthy body weight."

Madam Speaker, all of us bear some responsibility in combating these diseases—individuals, non-governmental organizations, governments, corporations, the medical community and the insurance industry. But we here in Congress also bear a special responsibility to remove any federal disincentives to promoting good physical well-being. We set policy; we set the tone for the Nation on any issue. Pending before this body are two pieces of legislation to promote physical fitness, a key component of prevention and a central means of achieving a healthy body weight, the Workforce Health Improvement Program Act (H.R. 1748). If enacted, this legislation would remove federal barriers to the promotion of physical activity and move our health care system ever more to one that emphasizes prevention over disease treatment.

As the Milken Institute's study so strongly shows, there are great costs ahead if we do nothing, but great savings to be gained if we act. Passage of this legislation would help us achieve a healthier America. I urge enactment this legislation.

CONGRESS MUST RESPOND TO THE NEEDS OF THE LONG-TERM UNEMPLOYED

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today to address a problem of growing importance: the problem of long-term unemployment.

I recently received a letter from a constituent, who urged me to speak out on behalf of workers unable to find appropriate jobs at living wages, who are being excluded from productive participation in the workforce. She called for Congressional action.

Jean SmilingCoyote of Chicago wrote, "When unemployed Americans run out of unemployment compensation, they are counted neither as unemployed nor as part of the labor force. . . . We need to take pro-active steps to end long-term unemployment of Americans. The first step is to have these people identify themselves and what they can contribute economically. We have to persuade employers to hire them for appropriate jobs at living wages, starting with people who've gotten a good education and stayed out of trouble."

We need to adopt measurements that accurately count the number of unemployed and policies that help create good jobs in the private and public sectors. I hope that we will make this a priority in the 110th Congress.

PERSONAL EXPLANATION

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SMITH of Nebraska. Madam Speaker, on Thursday, November 29, my uncle, Giles Smith, died at the age of 64.

My Uncle Giles was a man who cared about his community and actively made it a better place. He meant a lot to me, and was an inspiration to many. We will miss him.

Due to family matters, I was delayed in returning to Washington DC until today, causing me to, regretfully, miss several votes.

For the record, I would have voted ''no'' on rollcall 1123, ''yes'' on rollcall 1124, ''yes'' on rollcall 1125, ''yes'' on rollcall 1126, ''yes'' on rollcall 1127, ''yes'' on rollcall 1128, ''yes'' on rollcall 1129, ''no'' on rollcall 1130, ''yes'' on rollcall 1131, ''yes'' on rollcall 1132, and ''yes'' on rollcall 1133.

FINANCIAL CONSUMER HOTLINE ACT OF 2007

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mrs. MALONEY of New York. Madam Speaker, this bill, the ''Financial Consumer Hotline Act of 2007,'' would establish a single, toll-free telephone number consumers can call if they have a question for or problem with their bank and want to speak to the bank's federal or state regulator. A number of different governing bodies currently regulate banks, which can make it difficult for consumers to figure out who they should contact with concerns and complaints. The bill would also establish a corresponding informational website.

3,000 LAWYERS GO TO JAIL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. POE. Madam Speaker, on November 3, Pakistani President Pervez Musharraf suspended the national constitution, fired appellate judges, detained 8 members of the Supreme Court, and arrested hundreds of lawyers. In the weeks that followed, nearly 3,000 lawyers were arrested. Musharraf's explanation was that martial law was necessary because of terrorism threats. This is a poor excuse.

Musharraf fired or arrested members of the legal community for protesting Musharraf's abuse of power and for defending the rule of law. These men and women are courageous. They've faced beatings, threats, tear gas, and arrests for promoting democracy.

A nation cannot succeed without impartial application of law. A nation cannot succeed when a President suspends a cornerstone of government for his own political convenience.

Although Musharraf eventually released many, he also cracked down on the Pakistani press. On November 20, approximately 100 journalists were arrested at a protest.

A nation without courts promotes tyranny. A nation without a free press promotes uninformed citizens and unaccountable politicians. The rule of law and democracy are indebted to lawyers and judges, who ensure that rights are protected and laws are obeyed.

And that's just the way it is.

A PROCLAMATION HONORING CHELSEA STEEN FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SPACE. Madam Speaker:

Whereas, Chelsea Steen competed in England's largest youth soccer tournament; and

Whereas, Chelsea Steen showed hard work and dedication to the sport of soccer; and

Whereas, Chelsea Steen has broadened her abilities and skills in the sport of soccer; and

Whereas, Chelsea Steen was a supportive team player; and

Whereas, Chelsea Steen always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Chelsea Steen on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

TRIBUTE TO GRAYSON LEE SHREVE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize Grayson Lee Shreve of Buckhannon, WV, who recently attained the rank of Eagle Scout on October 23, 2007.

Grayson is a member of Boy Scout Troop 106 and is sponsored by Sand Run Baptist Church in Buckhannon, WV. During his years in scouting, he has received 43 Merit Badges and achieved the rank of Life Scout. He was awarded the prestigious Order of the Arrow and the Arrow of Light. For his service project to obtain Eagle Scout, Grayson restored and constructed a screened picnic shelter for a local church.

His many accomplishments demonstrate the high standards held by those who achieve Eagle Scout. Grayson has been a consistent Honor Roll student and has been a member of the Gifted Program since elementary school. He currently attends Buckhannon-Upshur High School where he is involved in BUMS, the school news channel.

Grayson is truly representative of the Scout Oath, ''to do duty to God and country.'' I extend my congratulations to Grayson and his parents, Leslie Shreve II and Norma Hinkle. Upshur County is fortunate to have such an accomplished young leader.

HONORING RON KIRKLAND AS CHAIRMAN OF THE BOARD OF DIRECTORS OF THE AMERICAN MEDICAL GROUP ASSOCIATION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. TANNER. Madam Speaker, I rise today to recognize the recent professional honor bestowed on my former high school classmate and good friend, Dr. Ronald H. Kirkland.

A practicing otolaryngologist for nearly a quarter of a century, Ron was elected as the 2008 Chairman of the Board of Directors of the American Medical Group Association, AMGA, located in Alexandria, Virginia.

AMGA represents more than 300 medical groups, including some of the Nation's largest, most prestigious integrated healthcare delivery systems. AMGA members deliver health care to more than 50 million patients in 42 States, including 15 million lives.

Dr. Kirkland is the past Chairman of the Board of Directors of the Jackson Clinic Professional Association in Jackson, Tennessee, a multi-specialty group practice of more than 130 physicians in 25 specialties and sub-specialties in 14 West Tennessee locations.

In addition to his medical career, in which he was twice selected by his peers as among the ''Best Doctors in America'' and once as one of ''America's Top Physicians,'' Ron has held leadership responsibilities in a variety of educational, medical, religious, business and political organizations.

Ron received his medical degree from the University of Tennessee Health Science Center and completed residencies both there and at the Carraway Methodist Medical Center in Birmingham, Alabama. He is a member of the American Medical Association and the Tennessee Medical Association, and is certified by the American Board of Otolaryngology. Ron also served his country in the U.S. Army as a counter-intelligence officer in Vietnam.

Madam Speaker, Dr. Kirkland and his colleagues bring a unique perspective on coordinated care for chronically ill patients, health information technology, and quality care to our continuing debate on health policy. I look forward to working with my friend Ron Kirkland during his tenure as Chairman of the Board of Directors at AMGA.

IN RECOGNITION OF MR. LAMAR DENKINS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. ROGERS of Alabama. Madam Speaker, I rise today to pay tribute to a distinguished public servant of Alabama's Third Congressional District and our Nation, Mr. Lamar Denkins.

Mr. Denkins has worked for the people of Alabama in various capacities for most of his life. Over his career, he has served in the United States Army Reserves; has been the Minister of First Baptist Church of Williams in Jacksonville, Alabama; has worked as a therapist for the Calhoun-Cleburne County Mental Health Board; and worked as a Human Resource Specialist for the Westinghouse Anniston Chemical-Demilitarization Project.

Prior to joining my office in 2003, Mr. Denkins also served as an Executive Assistant for former Third District Congressman Glen Browder. From 2003 to 2007, he has served as Field Representative, Deputy District Director, and District Director and has been a dedicated and non-partisan public servant.

Lamar has done an incredible job for the people of the Third District and he will certainly be missed here in this office, and across East Alabama.

Lamar, on behalf of the citizens of Alabama's Third Congressional District, thank you for your service to our State. We wish you all the best in your retirement.

TRIBUTE TO HIDALGO EARLY COLLEGE HIGH SCHOOL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Hidalgo Early College High School, in Hidalgo, TX, for achieving the highest ranking in the State of Texas among the Best High Schools In America by U.S. News and World Report.

Hidalgo Early College High School has consistently worked to provide crucial tools for educational success for its 810 students, more than half of whom come from families that have never finished high school, and these students have overcome tremendous barriers thanks to the leadership of their school, their parents, and teachers. One of the many tools for success the school offers is the chance to earn up to 60 college hours at no cost by the time the students reach their senior year, which gives them the opportunity to obtain both a high school diploma and associates degree upon graduation. This was made possible by a grant from the Bill and Melinda Gates Foundation.

It is also due to the strong leadership displayed by Eduardo Cancino, superintendent of Hidalgo ISD, and by Edward Blaha, principal of Hidalgo Early College High School, that the school has outperformed its peers at the local, state, and national level. I am also proud of the support for the community that the local school board and the administrators and teachers have shown for Hidalgo Early College High School. It is because of their collective effort in providing the best education possible for the students, that Hidalgo

Early College High School has rightfully earned its rank as one of the best high schools in America.

Madam Speaker, I am honored to recognize Hidalgo Early College High School for achieving the highest ranking in the State of Texas among the Best High Schools In America by U.S. News and World Report, and I thank you for this time.

MARKING HUMAN RIGHTS DAY: THE PLIGHT OF AYMAN NOUR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. FILNER. Madam Speaker, on Monday, December 10, the United States joins the world in celebration of Human Rights Day, remembering the historic occasion when the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. This document affirms the elementary rights that belong to all humankind.

Nearly six decades after the adoption of this critical Declaration, and 46 years after I joined the first Freedom Rides to uphold civil and human rights for all citizens of the United States, there are still many people around the globe struggling to gain the rights that we as Americans hold dear.

The plight of one man, Ayman Nour, is emblematic of the myriad injustices that continue to afflict our fellow citizens of the world today. Nour, a parliamentarian and a leading voice for democracy in Egypt, was arrested and jailed in 2005 after his candidacy in the country's first open presidential election. He was charged with forgery, but his imprisonment is widely understood as a political move by the Egyptian government to crack down on the opposition. The illegitimate nature of the charges against him, along with Nour's serious health concerns, including heart problems and diabetes, are grounds for his immediate release. This week, however, Nour enters the third year of his 5-year sentence with little reason for optimism. His latest appeal was rejected earlier this year after the state-sponsored Egyptian media launched a smear campaign against him.

Nour is not the only victim of this crackdown. Judges, journalists, ethnic and religious minorities, civil society and human rights activists, and everyday citizens have all been targeted. Nour and countless others fighting for their fundamental freedoms continue to look to the Universal Declaration of Human Rights as an ideal, not as a reality. For the millions who have suffered greatly, Nour's release would symbolize a recommitment to the inherent dignity and the equal and inalienable rights of all members of the human family as cited in the Declaration's Preamble.

On this Human Rights Day, in the spirit of cooperation between nations, I urge the Egyptian government to release Ayman Nour, and to uphold its stated commitment to civil and human rights.

A TRIBUTE TO JOHN SKIEF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. BRADY. Madam Speaker, I rise to honor one of Philadelphia's great educators, my fellow West Philadelphian, John Skief. We lost John this past Saturday and he is deeply missed.

John Skief was a true Renaissance man. In his youth, he was a member of the All City Dance Ensemble. He was also a gymnast, a cross-country runner, and a soccer player. He set city and state high jump records in high school and college. A born activist, Skief joined the NAACP. youth council at age 14 and participated in many civil rights demonstrations under the leadership of his mentor, Cecil B. Moore.

Skief has been a constant advocate of African-American history and community control of education. After receiving his degree in education from Cheyney State College in 1971, Skief began his teaching career in the Philadelphia Public School System. He was a leader in the High School restructuring program. At West Philadelphia High School, Mr. Skief was the founder and coordinator of the Community Development Charter. He taught a 3-credit in-service course for the Philadelphia School District, entitled ''African and African American Contributions to Science and Technology.'' He was also the Founder and Chief Administrative Officer of Harambee Institute of Science and Technology Charter School in West Philadelphia and was the founding President of the Pennsylvania Alliance of Charter Schools.

Mr. Skief was a noted filmmaker, providing video footage of his travels throughout the Caribbean and Africa for use in classes and on television. He has written articles on education in numerous publications and continues to educate and culturally enrich African Americans. He produced community Kwanzaa Celebrations annually since 1974 and produced lectures with noted Black authors and historians. John Skief produced the African American Festival for the Robin Hood Dell East concerts and served as production manager for the Philadelphia Kwanzaa Expo and African American Parade and Festival. In 1985 he organized the Respect Yourself Youth Self-Esteem Program in Philadelphia.

Madam Speaker, John Skief is survived by his wife, Tonya, and four children, Masai, Terrell, Kimberly, and Kalima and was predeceased by another child. We will all miss him very much. I ask that all my colleagues join me in honoring him today.

THE PATRIOT GUARD RIDERS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. POE. Madam Speaker, Theodore Roosevelt said: ''No man is worth his salt who is not ready at all times to risk his well-being, to risk his body, to risk his life, in a great cause.'' The Patriot Guard Riders are a group of motorcyclists who pay tribute to those who have died serving our country. Their mission is to attend the funeral services of fallen soldiers upholding President Roosevelt's belief that brave soldiers who gave the utmost sacrifice for their country deserve respect and reverence during their final tribute.

Each mission has two objectives, to show sincere respect for America's fallen heroes, their families, and their communities; and to shield the mourning family and their friends from interruptions created by any protestor or group of protestors. In 2 short years, the Patriot Guard Riders has become a 501(c)(3) charity, comprised of more than 140,000 volunteers across the country that take off from

work and use their own funds for gas and whatever else is needed to attend missions.

The Guard is activated each time the military reports the death of a soldier in Iraq. This nationwide organization of volunteers is very efficient. State Captains send out e-mails to members in the city where the soldier will be buried, and everyone jumps into action. They ensure that streets along the funeral procession are lined with American flags. Each mission is accomplished through legal and nonviolent means. If protestors are present and become loud, the Patriot Guard Riders form a flag line, turn their backs on protesters, and will even drown the sound of the protestors by singing and reciting the Pledge of Allegiance.

One involved Patriot biker, Rich ''Boomer'' Ford, a former Navy SEAL who served in Vietnam is the State Captain for the Texas Patriot Guard Riders. He is the man in charge of the ''missions''. If you ask Boomer why he rides, he will tell you that he remembers the lack of respect received when returning home from Vietnam. He wants to make sure that doesn't happen to these brave men and women. Boomer feels that each ''mission'' recognizes and honors the hard work our soldiers are doing for us overseas. These men and women like Boomer, who volunteer their time to help guard our nation's heroes should be forever remembered for their honor and dignity.

I commend the Patriot Guard Riders for riding for our soldiers whose lives were given in pursuit of a great cause, American freedom. I am proud to recognize these angels on bikes with hearts bigger than Texas. They show their respect for our troops, their families, and our community in an honorable way, one funeral at a time. They make a difference and represent all that is right and good in America.

And that's just the way it is.

A PROCLAMATION HONORING DONNY BEACHY FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SPACE. Madam Speaker:

Whereas, Donny Beachy showed hard work and dedication to the sport of golf; and

Whereas, Donny Beachy was a supportive team player; and

Whereas, Donny Beachy always displayed sportsmanship on and off of the green; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Donny Beachy on winning the Division III State Golf Tournament. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007 golf season.

TRIBUTE TO TONY HESS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize the bravery and heroism of Tony Hess. A 23-year-old volunteer firefighter from Kanawha County West Virginia, Hess raced into a burning house last month to save the life of two year old Alyssa Abner.

Hess didn't plan on being a hero on November 23. A business major at West Virginia State University, he was just answering an early morning emergency call; but when he arrived first on the scene he headed directly to a second story bedroom. The smoke was so dense that he had to break a window in order to find Alyssa trapped inside.

After rescuing her from the fire, Tony rode with her all the way to the hospital. I am happy to report that little Alyssa is in an improving condition at a Cincinnati hospital.

Madam Speaker, I join the chorus of West Virginians thankful for Tony's courage and service. Volunteer firefighters are true heroes who sacrifice for the right reasons. In Tony's own words, ''I'm not doing it for the publicity or lights or sirens,'' he said. ''I just want to be a fireman.''

RECOGNIZING THE RETIREMENT OF DAVID J. WILLIAMS AS CHAIRMAN AND PRESIDENT OF SANOFI PASTEUR AND HIS CONTRIBUTIONS TO THE VACCINE INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to recognize David J. Williams of Scranton, PA, for his lifetime accomplishments and his extraordinary contributions to the vaccine industry in the United States.

On January 16, 2008, after 30 years of service, David J. Williams will retire as the chairman, president and chief executive officer of Sanofi Pasteur.

Mr. Williams, born in Scranton, PA, received his accounting degree from the University of Scranton in 1973 and joined Connaught Laboratories in 1978 as the manager of financial services.

As a member of the executive team, Mr. Williams distinguished himself as a leader willing to make courageous decisions to build the vaccine industry, and he was named chief operating officer of Connaught Laboratories in 1989.

Mr. Williams successfully steered the company through several mergers and acquisitions. As an organization that began with just 100 employees and sales of just over $5 million in 1978, Connaught eventually merged with today's sanofi pasteur, the world's largest vaccine manufacturer with 11,000 employees and more than $4 billion in sales in 2007.

Under Mr. Williams' guidance, more than a billion doses of Sanofi Pasteur's lifesaving vaccines were administered to more than 500 million people around the world each year, representing more than 25% of the global vaccine market.

Mr. Williams encouraged innovation and he has been at the forefront of the development of many of the world's vaccines, including the world's first licensed conjugate and combination vaccines, vaccines to protect against meningitis and Haemophilus influenza type B, and most recently, a vaccine to combat avian influenza.

Mr. Williams recognized his company's ability to address current and future public health needs by investing in a robust research and development program and an ambitious production plan for pandemic preparedness in the event that a public health emergency strikes the United States.

Mr. Williams has been a visionary in the vaccine industry, building the domestic infrastructure necessary to protect millions of Americans from deadly diseases and showing a commitment to vaccines that goes beyond his own company to the broader industry and to public health around the world.

Mr. Williams, in his dedication to the larger immunization community, created the Vaccine Policy Committee of the Pharmaceutical Research and Manufacturers of America and is a founding member of the Partnership for Prevention, a leading organization of public and private sector representatives who focus on preventative health care policies.

Mr. Williams served as the first liaison member of the Advisory Committee on Immunization Practices to the U.S. Centers for Disease Control and Prevention, which sets immunization policy in the United States.

Mr. Williams also served on the board of directors of the Biotechnology Industry Organization, Blue Cross of Northeastern Pennsylvania, and on the Board of Regents of the University of Scranton. He is also one of the founding Board Members of the Medical Education Development Consortium.

Mr. Williams cultivated a culture of community involvement at sanofi pasteur and demonstrated a commitment to philanthropy through the company's contributions to United Way and donations of vaccines through UNICEF, the Global Alliance for Vaccines Immunization, GAVI, the World Health Organization's Global Polio Eradication Initiative and various humanitarian relief efforts.

Mr. Williams has been committed to the economic growth and development of Northeastern Pennsylvania and to expanding the campus in Swiftwater to maintain a domestic manufacturing base for many vaccines, including influenza. Under his guidance, sanofi pasteur grew to become the largest private employer in Monroe County and a purchaser of over $145 million in goods and services from Pennsylvania-based vendors.

It has been a pleasure working with Dave over the years as his company expanded not only in Monroe County, but also in Scranton, his hometown. He has made an enormous contribution to his community, and on behalf of all my constituents, I would like to express my gratitude.

Madam Speaker, please join me in recognizing Mr. Williams for his distinguished career and extraordinary leadership as chairman, president and chief executive officer of sanofi pasteur and for his tireless efforts toward the advancement of immunizations and the eradication of vaccine preventable diseases.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the exchange of letters between Chairman CONYERS and myself be made part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN LANTOS: In recognition of the desire to expedite consideration of H.R. 3887, the William Wilberforce Trafficking Victims Reauthorization Act of 2007, the Committee on the Judiciary agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by foregoing consideration of H.R. 3887 at this time, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important anti-slavery legislation, and requests your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 15, 2007.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3887, the William Wilberforce Trafficking Victims Reauthorization Act of 2007.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that the Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction of the Judiciary Committee over subject matter contained in this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during the consideration of House debate on H.R. 3887, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

TOM LANTOS,
Chairman.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE HENRY HYDE OF ILLINOIS

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my sadness over the passing of our former colleague and friend, Henry Hyde, and my respect for his decades of public service on behalf of the people of Illinois.

Representative Hyde was known throughout the country as a man of strong beliefs, a public servant who fought hard for his convictions with eloquence and passion. Those of us in the House of Representatives—especially those of us served with him in the Illinois delegation—also knew him as a gentleman. Disagreements on some issues never prevented him from working with a colleague on other matters.

I was one who often disagreed with Congressman Hyde, but we were always able to talk about our differences and work together on bipartisan issues, such as investigating the causes of oil and gasoline price increases in the Chicago market, ending the genocide in Sudan and the AIDS epidemic in Africa, fighting global poverty and the proliferation of destabilizing nuclear weapons, and addressing gun violence. I always felt that I could reach out to Congressman Hyde and have an open and beneficial discussion, even on the most controversial issues. He was the only person who ever called me "Janny," a private nickname I enjoyed.

Congressman Hyde was born in Rogers Park, Chicago and went to St. George High School in Evanston. He was first elected to Congress in 1974, after already having had a distinguished career as a lawyer, World War II veteran, and member of the Illinois General Assembly. He served the 6th District of Illinois for 32 years, never forgetting his roots, his responsibilities or his values. He will be missed.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 1086 through 1126. I was absent on November 14th, November 15th, and December 4th, due to a death in the family.

If I were present I would have voted "nay" on rollcall vote 1086, "yea" on rollcall vote 1087, "yea" on rollcall vote 1088, "yea" on roll call vote 1089, "yea" on rollcall vote 1090, "yea" on rollcall vote 1091, "yea" on rollcall vote 1092, "nay" on rollcall vote 1093, "nay" on rollcall vote 1094, "yea" on rollcall vote 1095, "nay" on roll call vote 1096, "nay" on rollcall vote 1097, "nay" on rollcall vote 1098, "nay" on rollcall vote 1099, "yea" on rollcall vote 1100, "yea" on rollcall vote 1101, "yea" on rollcall vote 1102, "nay" on roll call vote 1103, "nay" on rollcall vote 1104, "yea" on rollcall vote 1105, "yea" on rollcall vote 1106, "yea" on rollcall vote 1107, "nay" on rollcall vote 1108, "nay" on rollcall vote 1109, "nay" on roll call vote 1110, "nay" on rollcall vote 1111, "nay" on rollcall vote 1112, "nay" on rollcall vote 1113, "yea" on rollcall vote 1114, "yea" on rollcall vote 1115, "yea" on rollcall vote 1116, "yea" on roll call vote 1117, "yea" on rollcall vote 1118, "yea" on rollcall vote 1119, "nay" on rollcall vote 1120, "yea" on rollcall vote 1121, "nay" on rollcall vote 1122, "yea" on rollcall vote 1123, "yea" on roll call vote 1124, "yea" on rollcall vote 1125, and "yea" on rollcall vote 1126.

RECOGNIZING OFFICER ROY DAVID GILBERT, III

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize and congratulate Officer Roy David Gilbert, III for being named the 2007 Police Officer of the Year by Parade magazine and the International Association of Chiefs of Police.

A resident of Waterford, MI, Officer Gilbert has described the day he was sworn in as an officer of the Detroit Police Department seven years ago as one of the happiest of his life. Last year, however, Officer Gilbert was faced with one of the darkest. On December 30, 2006, while patrolling Detroit's Western District, Officer Gilbert and his partner Officer John McKee spotted a vehicle that had been carjacked earlier that evening. While in pursuit, Officer McKee was shot and wounded in the face and abdomen.

Officer Gilbert courageously moved between his partner and the suspect, and even after being knocked down by a bullet, he returned fire and took down the assailant. As a result of Officer Gilbert's actions, Officer McKee's life was saved, and in October of this year he was able to return to the police force. Officer Gilbert was awarded the Medal of Valor, the Detroit Police Department's highest honor for bravery and was recognized by Parade magazine and the International Association of Chiefs of Police as the Officer of the Year.

For over 40 years, Parade magazine and the International Association of Chiefs of Police have recognized the law enforcement officer whose deeds embody the intrepid spirit and altruism that Officer Gilbert has displayed. Even today as he is honored by Waterford Township, Officer Gilbert still says he was just "doing what partners are supposed to do."

Madam Speaker, Officer Gilbert epitomizes the bravery and selflessness that we see in our law enforcement officers everyday. His heroic actions saved the life of a fellow officer and made our streets safer. I commend him for his achievements and wish him continued success in his service.

IN HONOR OF THE DEDICATION OF THE NEW CAMPUS OF THE FRISCH SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to join the faculty, parents, and students at the Frisch School in Paramus New Jersey in celebrating the dedication of their new campus. The new 14-acre property will help this yeshiva continue to practice educational excellence and instill hundreds of young people each year with sustenance for their minds, bodies, and souls.

Since its founding in 1972 by Rabbi Menachem Meier and Alfred Frisch, the school has grown from a student body of a mere dozen to more than 620. The Frisch School curriculum is rigorous—offering a steady course of core subjects as well as a wide variety of advanced placement classes. Students leave Frisch well versed in history, liberal arts, science and math, and the cultural arts. But, they also leave well versed in Judaic heritage and values. As a college preparatory school, students often go on to higher education, well-prepared by their Frisch experience. And, each year, a good portion of the student body goes to Israel to spend a year in study as well.

The new Henry & Esther Swieca Family Campus, Mordecai & Monique Katz Academic Building, and Zayat Athletic Center are the result of hard work by a dedicated community of parents, faculty, and students. The extraordinary generosity of dozens of families has enabled the School to literally double its size and provide even more educational opportunities to its students.

The Frisch School counts among its notable alumni Elie Katz, Mayor of Teaneck; Arthur Lenk, Israeli Ambassador to Azerbaijan; and Rabbi Daniel Nevins, Dean of the Rabbinical School of the Jewish Theological Seminary of America. Under the guidance of its President, David Rauch; its Principal, Dr. Kalman Stein; and its Executive Director, Elaine Weitzman, I am certain that still more leaders will emerge from the Frisch School ranks, and I look forward to seeing the wonderful contributions they make to our community and our society.

AMERICA'S HISTORICAL AND NATURAL LEGACY STUDY ACT

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H.R. 3998, ''America's Historical and Natural Legacy Study Act.'' At the outset, I want to thank Chairman RAHALL and Chairman GRIJALVA for bringing this bill to the floor and for their work in crafting a broad package of studies that will help us to preserve our natural and historical heritage.

In particular, I am pleased that the Chairmen included a study of the Rim of the Valley Corridor in southern California. This bill is an important milestone in my 7-year effort to direct the Department of the Interior to study alternatives for protecting the mountains and canyons in southern California that are part of the Rim of the Valley Corridor, as designated by the State of California.

This environmentally sensitive area is located in one of the most densely populated areas in the United States. The greater southern California metropolitan region has the Nation's second-largest urban concentration; about 1 in every 10 Americans lives in this region. At the same time, this area has one of the lowest ratios of park-and-recreation-lands per thousand-population of any area in the country. So this rapidly growing urban region is extremely underserved in terms of open space needs. Unless action is taken soon, this situation will only worsen as the region continues to grow.

The Rim of the Valley Corridor is an ecologically significant, contiguous region that consists of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills, and adjacent connector areas to the Los Padres and San Bernadino National Forests. This corridor system is an example of the world's most endangered habitat area, the Mediterranean chaparral ecosystem.

Parts of the Rim of the Valley Corridor are already managed within the Santa Monica Mountains National Recreation Area and the Angeles National Forest. Yet, with increasing development and population pressures, the future of the Corridor is threatened. It is in danger of becoming reduced to isolated pockets of open space, irreversibly destroying its connectivity. The contiguous nature of these open spaces is potentially critical to help preserve the integrity of its ecosystems.

The State of California has adopted the Rim of the Valley Master Plan, and local governments within the Rim of the Valley Corridor have made significant progress toward protecting the unique natural and recreational resources of the area. However, these efforts have been hampered by a lack of financial resources, technical assistance, and resource management expertise that can only be provided by the Federal Government.

Since Congress set aside the Santa Monica Mountains National Recreation Areas in 1978, federal, state and local authorities have worked in remarkable cooperation to manage what is the world's largest urban park. Now, nearly three decades later and in the face of tremendous projected population growth and development pressures, Congress, by passing this bill, again will have the opportunity to study ways to help safeguard and supplement the existing state and local parks, open space and recreational opportunities in southern California.

I hope that the Congress will seize the opportunity to order the Department of Interior to study of alternatives for protecting some of the most beautiful land in southern California for future generations of Americans to enjoy. The Rim of the Valley is a special place and we owe it to our children to develop a long-range plan that will balance preservation, recreation, and the needs and rights of those living in and around the area to be studied.

Again, Chairman RAHALL and Chairman GRIJALVA, thank you for your support for the Rim of the Valley Corridor study and for all of your work to preserve America's natural splendor.

RECOGNIZING WORK OF CONGRESSIONAL MEN'S HEALTH CAUCUS

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. FOSSELLA. Madam Speaker, as a founding member of the Congressional Men's Health Caucus I am very pleased to report a groundswell of activity occurring as I speak today across the country related to men's health education, outreach, awareness, and screening. This focus and attention is long overdue. New data provide alarming statistics about a gradual decline in men's health. In fact, men are living on average about 5 years less than their female counterparts, men are leading in 9 out of 10 top causes of death, 1 in 2 men in their lifetime will be diagnosed with cancer compared to 1 in 3 women, and as women enter retirement (65–69 years of age) approximately 15 percent are widows due to the premature death/disability of men.

I am proud to work with the Men's Health Network, MHN, to raise awareness of men's health; they, for over 15 years, have taken the lead nationally in setting best practices, creating grassroots networks and activism, and providing health services to men and their families where they live, work, play, and pray.

Under their leadership we are seeing symposia, screening events, and campaigns launched all across the country aimed at reversing the negative trends in men's health. In November and December of 2007 alone, they have led community/neighborhood development efforts resulting in a Massachusetts Symposium on Men's Health, Louisiana Symposium on Men's Health, Florida Smoking Policy Symposium, ''Healthy Sunday'' church screening at Bethel A.M.E. Church in Baton Rouge, LA, and will launch a Women Against Prostate Cancer organization in conjunction with the Dean and Betty Gallo Prostate Cancer Center. Each of these programs and initiatives makes it a priority to empower men, women, and their families to live healthier lifestyles. These efforts are engineered to reach underserved populations who don't have access to health services or health education materials.

Women Against Prostate Cancer is a new organization, founded by Men's Health Network in conjunction with the Dean and Betty Gallo Prostate Cancer Center, that is developing a grassroots network of women volunteers who have been adversely affected by prostate cancer. The National Cancer Institute estimates 219,000 men will be diagnosed with prostate cancer, resulting in more than 27,000 deaths this year. Meanwhile, the state symposia create opportunities for networking for men's health and community outreach organizations throughout the State(s), as well as encourage preventative health measures and physician and patient dialogue.

Actions like these can save lives and, more importantly, American families. I along with my colleagues belonging to the Congressional Men's Health Caucus am proud to support these continued efforts while continually stressing the need to establish an Office of Men's Health within the Department of Health and Human Services.

TRIBUTE TO THE FLOYD COUNTY EMERGENCY AND RESCUE SQUAD, INC.

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. ROGERS of Kentucky. Madam Speaker, I want to bring notice to the House of an all-volunteer rescue squad in eastern Kentucky which was founded nearly 50 years ago in the aftermath of tragedy and will be nationally recognized this month for their citizen preparedness efforts.

The Floyd County Emergency and Rescue Squad, Inc. was formed in 1958 after a school bus went off the road and crashed into the Levisa Fork of the Big Sandy River. Back then, there were no responders close enough, and 27 people perished in that accident. We have a rich tradition in eastern Kentucky of fixing our own problems when solutions seem too difficult, or even impossible. Two of the founding members of the rescue squad lost their children in the accident. They vowed that something like this should never happen again, so a small group of people got together and volunteered their time to be on call so that others might be saved. Because of their efforts, people traveling on rural, mountainous roads in Floyd County can know that help is on the way should they need it.

With 32 members, Floyd County's rescue squad is going strong. They work in coal mines, at the local retail store or as police officers. They have an operating budget of less than a typical Kentucky household, yet keep their well-worn trucks in good running order and are ready to respond whenever needed. More people understand what citizen preparedness means after 9/11 and Katrina. But it also means being prepared for any catastrophe where seconds count and trained personnel are needed when the injured are trapped. Citizen preparedness is nothing more than a concept without committed people who make it happen. These people don't get paid but choose instead to answer to a higher calling—helping their fellow citizens in times of need.

The National Congress on Secure Communities in Washington, DC, will be recognizing the Floyd County Emergency and Rescue Squad, Inc. on December 17 for their efforts to keep people safe. It is national recognition for our local heroes.

Madam Speaker, I am proud to recognize the Floyd County Emergency and Rescue Squad, Inc.—the people who provide public safety in parts of our country where it would otherwise not exist.

SUPPORT FOR H.R. 2634

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. RANGEL. Madam Speaker, I rise today to express my full support for H.R. 2634, a bill that would provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

The Biblical scripture love thy neighbor, does not just call for the expression of care and concern for neighbors who live in close proximity. It also calls for reaching out to neighbors world wide. I believe it is especially important to be concerned about and help our neighbors who live in countries that are challenged daily with enormous issues involving poverty, hunger, homelessness, high unemployment, crime, illiteracy, and HIV/AIDS. Some of these countries include Angola, Haiti, Liberia, and Kenya just to name a few.

I support this bill because it could help our neighbors who are struggling everyday to live with and combat very difficult social and economic problems. I suspect that if economically disadvantaged countries were in a position to resolve their problems without assistance, they would. Helping to resolve these issues would lead to improvements in the quality of life for our neighbors, global economic stability, and world peace.

Jubilee USA Network, one grassroots organization that consists of churches and community organizations, has been dedicated to educating members of Congress and the public since the late 1990s on this issue. Their hard work, along with other organizations has created a movement that has made a difference. Some 30 nations have benefited from different types of debt relief estimating approximately $80,000,000,000.

Other notable progress has been made with this issue. Agreements made with the African Development Bank, the World Bank, the Inter-American Development Bank, and the International Monetary Fund have eliminated debts by some poor countries.

To observe the success thus far, Jubilee USA Network held a prayer breakfast on October 16, 2007, in the Rayburn House Office Building. From the overseas community, the prayer breakfast was attended by the Honorable Ombeni Sefue, Tanzanian Ambassador to the United States, the Honorable Given Lubinda, Member of Zambia Parliament, and Rt. Rev. Jean Zachè, Episcopal Bishop of Haiti. It is important for the U.S. to gain support for the debt relief of poor countries as a part of its foreign policy and I thank Jubilee USA Network for continuing to raise awareness of this issue.

Further, I thank my colleagues MAXINE WATERS, SPENCER BACHUS, CAROLYN MALONEY, DONALD PAYNE, EMMANUEL CLEAVER, BARBARA LEE, and LUIS GUTIERREZ for introducing this bill. I urge my colleagues to support this bill, which is a bill to support humanity.

PROMOTE AND PROTECT OUR STRONG ECONOMY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. WILSON. Madam Speaker, our third quarter GDP grew at an impressive 4.9 percent. That means we have had 24 straight months of economic growth coupled with 50 straight months of job growth creating 8.3 million additional jobs. In the district I represent, the Nation's fourth largest cabinet company, the Elkay Cabinet Division, has recently decided to open a new manufacturing plant in Barnwell which will create hundreds of jobs. This job success is the product of the pro-growth tax policies that President Bush signed into law 4 years ago.

There remains much more that we must do in order to promote strong economic growth. We need energy legislation that actually helps create new energy, health care reform that values individual choice over government mandate, and sensible tax reform. We must enact legislation—including a repeal of the Alternative Minimum Tax—that doesn't raise taxes on the backs of middle class Americans and small businesses.

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

A PROCLAMATION HONORING COACH MIKE FELTON FOR COACHING THE GARAWAY GOLF TEAM TO WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. SPACE. Madam Speaker:

Whereas, Coach Mike Felton showed hard work and dedication to the sport of golf; and

Whereas, Mike Felton was a leader and mentor for the Garaway Golf Team; and

Whereas, Coach Felton has been a role model for sportsmanship on and off of the greens: Now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Mike Felton for leading the Garaway Golf Team to winning the Division III State Golf Tournament. We recognize the tremendous hard work and leadership he has demonstrated during the 2007 golf season.

HONORING THE ADAMS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Adams Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Adams Volunteer Fire Department was established February 3, 1971 and has 18 firefighters. Out of these firefighters, two are EMTs and four are First Responders.

Without volunteer fire halls like Adams, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Adams Volunteer Fire Department deserve recognition: Chief Ray Brown,

Asst. Chief John Roland, Wayne Evans, Allen Douglas, Donovan Tucker, Phillip Brown, David Dowlen, Carolyn Brown, Douglas Caroland, Will Goodman, Troy Head, Paul Crumley, Harold Jacobs, Matt Vogle, William Bryant, Kim Dowlen, Jeffery Lux, Michael Jones, William McKinney, and Joshua Love.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in strong support of the Mortgage Reform and Anti-Predatory Lending Act and applaud Chairman BARNEY FRANK for his work to end predatory lending and strengthen consumer protections.

The United States is currently facing a subprime mortgage crisis. Right now, nearly 1,200 homes are vacant in Saint Paul due to foreclosures. These foreclosures harm the vitality of our neighborhoods. Further, foreclosures mean a loss of property tax revenue, placing a burden on local and State governments. The social and financial costs of this serious problem affect everyone.

H.R. 3915 is an important step to protect American families from predatory lenders by requiring lenders to ensure that borrowers have a reasonable ability to repay and establishing a licensing system for mortgage brokers and bank loan officers. This legislation requires lenders to disclose more about loans such as, the maximum amount a consumer could pay on a variable rate mortgage and the amount of charges included in the mortgage. It also bans financial incentives for subprime loans and holds lenders in the secondary mortgage market accountable for home loans by allowing consumers to seek redress directly from the firms that ''securitize'' mortgages.

The pre-loan counseling in this bill will protect families from predatory lending in the future. This legislation also establishes an Office of Housing Counseling, which will certify computer programs so consumers can evaluate home mortgage loan proposals, and it will also provide technical and financial support for States and local governments educating consumers about buying a home.

Predatory lending harms our families, our neighborhoods, and our communities. We must do more to ensure that all individuals and families have safe and stable housing. I urge my colleagues to join me in voting for the Mortgage Reform and Anti-Predatory Lending Act.

CONSUMER PRODUCT SAFETY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. LANTOS. Madam Speaker, the decorations are up, the parties are planned, and the nation's capital had its first snow fall—the holiday season is officially upon us.

Along with the joy and reflection this time of year brings, children are waiting hopefully for that one gift that will make their holiday complete. As the dutiful, doting parents that we are, we are more than happy to oblige.

But we may be giving our children more than they bargained for; recent studies have found more than one in three of the season's most popular toys have tested positive for traces of lead.

While I may not know Dora the Explorer from Hannah Montana, I do know my grandchildren and great-grandchildren deserve toys that won't make them sick.

This year has seen too many recalls, too many toys slipping through the cracks of the watchdogs at the Consumer Product Safety Commission, and too many shelves still stocked with toys that pose a risk to our kids. This is wholly unacceptable!

Back in the Bay Area, the San Francisco Department of the Environment has taken matters into its own hands, testing children's toys for lead, cadmium and other dangerous chemicals. With an instant-read testing device parents will know whether the toys on their list put their kids at risk.

It is inconceivable that the agency put in charge of consumer protection for all Americans has so completely ignored its responsibility. It is an embarrassment that local government must rectify the ineptitude of the CPSC, though I congratulate San Francisco for its forethought and ingenuity.

Madam Speaker, this is a dereliction of duty by the CPSC that I am not prepared to accept. I have cosponsored a resolution introduced by my friend from Connecticut, Congresswoman Rosa DeLauro, calling for the resignation of Nancy Nord, the current head of the Commission.

Government watchdogs, retail outlets and the manufacturers themselves must take responsibility for the toys that end up on our shelves, and I will continue to demand that this holistic approach to keeping children safe is not ignored.

Parents take their children's safety most seriously, and the resources that exist online and through numerous publications are a gift themselves. I hope all my constituents, and gift-givers across the country, will take advantage of the information available to them.

I wish everyone a happy and healthy new year, and I hope everyone gets what they want for the holidays—without the lead.

HONORING THE DIXBORO FIRST UNITED METHODIST CHURCH ON THE OCCASION OF THEIR SESQUICENTENNIAL ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. DINGELL. Madam Speaker, I rise today in honor of the Dixboro First United Methodist Church, located in Superior Township, MI. This year marks the 150th anniversary of this proud institution. The Dixboro United Methodist Church has a long and honorable history of service to its community, one which has both strengthened the faith of its members and solidified the church's place as an integral part of the Dixboro area.

The earliest known religious service in the recently-formed Village of Dixboro took place in 1828 It and subsequent services throughout the next three decades were led by Methodist Circuit riders. Traveling a 40-mile route stretching from Nankin (Canton) to Ann Arbor, these preachers on horseback would arrive every 3 to 4 weeks, lead worship in a private home or 1-room schoolhouse, then move on to the next point on the circuit.

The dedication of these traveling preachers inspired those they served and in 1857 a group of local citizens met and formed a board of trustees to authorize the building of the church. Dixboro United Methodist was then built the following year, in 1858. The original building is now listed in the National Registry of Historical Buildings and Places and it is still utilized as the sanctuary for services.

Dixboro United Methodist has historically had a strong rural congregation, made up largely of local farmers. The rural character of Dixboro began changing with the advent of the building boom of the 1950s. New subdivisions and residential developments have brought fresh perspectives into the community and growth to the congregation. The present Dixboro United Methodist congregation is a diverse mix of young and old, traditional and contemporary; many are descendents of the original congregation.

The people of Dixboro United Methodist put their motto. ''People Helping People'' to work. A strong commitment to mission and community outreach is a hallmark of this congregation. Throughout a century and a half of growth, change and development, Dixboro United Methodist Church has remained a warn and welcoming member of its community. With such a rich history, one full of service, compassion and fellowship, I am proud to recognize Dixboro First United Methodist Church as it celebrates its first 150 years.

HONORING THE DEFEATED CREEK VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Defeated Creek Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Defeated Creek Volunteer Fire Department was established in 1986. The department is made up of 12 members and three fire trucks.

Without volunteer fire halls like Defeated Creek, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Defeated Creek Volunteer Fire Department deserve recognition: Chief Brandon Powell, Hughie Gregory, Donny Martin, Benton Dyer, Rusty Williams, Steve Bennett, Jason Powell, Kerby Comstock, Randy Martin, Scott Edens, Dustin Dillehay, and Chris Fields.

IN HONOR OF CONGRESSMAN HENRY HYDE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today to honor the late Congressman Henry Hyde who passed away on November 29, 2007.

Representative Hyde was a man of great honor and a dedicated public servant. He served for 32 years in the U.S. House of Representatives, representing the Chicago suburbs. During that time he served as Chairman of the House Judiciary Committee from 1995 to 2001 and as Chairman of the House International Affairs Committee from 2001 to 2007.

I had the honor of serving with Mr. Hyde as a member of the House International Affairs Committee during his time as Chair. He was a thoughtful and insightful Committee Chair who was willing to mentor a new member of the other party. I will always remember Mr. Hyde's help in including three important provisions in the original President's Emergency Plan for AIDS Relief (PEPFAR). These provisions on drug resistance, orphans and vulnerable children, and tracking the sale of drugs on the black market were ensured a place in the legislation largely because of Mr. Hyde's support. I will also never forget the opportunity to travel with Mr. Hyde to Mexico, where it was evident that he was well-respected by world leaders.

One of the things I recall most clearly about Representative Hyde was his command of the English language and his oratorical skills. When Secretary Rice appeared before the International Affairs Committee, he so eloquently expressed his disappointment that the Bush Administration had failed to live up to its obligation to ensure security in Iraq.

In addition to his many years as an elected leader, Mr. Hyde was a celebrated athlete in college, a veteran, and a lawyer. In recognition of his accomplishments, in October of this year, Congressman Hyde was awarded the Presidential Medal of Freedom, our country's highest civilian honor.

On behalf of the families of Minnesota's Fourth Congressional District, we extend our prayers and sincerest condolences to his wife, children and all of the family and friends of Representative Hyde. He will be remembered in the highest regard, and I will miss him.

Madam Speaker, please join me in paying special tribute to the life and service of Congressman Henry Hyde.

KAZAKHSTAN AND THE OSCE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. ISSA. Madam Speaker, this past week, the Organization for Security and Cooperation (OSCE) convened in Madrid, Spain to choose the countries that will chair the organization for the next three years. The 56 member nations of the OSCE voted to give the chairmanship to Greece in 2009, Kazakhstan in 2010, and Lithuania for 2011.

All of these countries should be congratulated for being awarded this important duty. The selection of Kazakhstan as chair for 2010 is especially significant for several important reasons.

First, Kazakhstan will be the first ex-Soviet republic to assume the chairmanship of the OSCE, which is quite timely given that many of the countries in region are continuing to struggle with the transition from communism to full democracy. Kazakhstan, as the largest country in the region, may be in the best position to promote the OSCE's principal mandates of respect for human rights and advancing democracy.

Conversely, while OSCE ministers were meeting, Russia conducted parliamentary elections in open contempt of OSCE's election monitoring program. Reacting to a series of obstructions and delays clearly intended to frustrate their work, the OSCE finally concluded that Russian authorities had made it impossible for monitoring activities to occur before or during the December 2 election.

By contrast, Kazakhstan fully cooperated with OSCE's monitoring and reporting during its August 18 parliamentary election. It allowed 1,200 election observers to cover 1,743 polling stations, whereas Russia set a limit of 450 international observers for its 95,000 polling stations.

Prior to its election, Kazakhstan adopted reforms to increase the transparency and integrity of its elections and ensure public access to election information and the media. The same reforms are being rolled back in Russia.

Kazakhstan may well be that alternative. At the meeting in Madrid, Kazakhstan's foreign minister, Marat Tazhin, stated that "Kazakhstan accepts with a strong sense of duty and firm commitment the role of Chairman-in-Office of OSCE for 2010" and pledged to uphold and protect OSCE's election-monitoring activities.

The other Commonwealth-of-Independent States in the former Soviet union are surely observing these developments as they approach their own political crossroads. One path is the Russian way of "managed democracy," currently being exemplified by President Vladimir Putin, which includes consolidation of power within his inner circle, the removal of human rights and press freedoms, and a worrying shift towards more authoritarian rule. The other path is the Kazakh way, which includes improving freedoms for the press and human rights groups, greater confidence in the rule of law, and a strengthening of democratic values. It is my sincere hope that the other CIS countries will take the latter path.

Madam Speaker, the Bush administration has rightly put democratization in the forefront of its foreign policy, but it does not come quickly or easily to countries that have only known authoritarian rule.

Kazakhstan is such a country and while it is not yet a full-fledged democracy, it is definitely moving in the right direction and is deserving of our support to head the OSCE in 2010.

HONORING LARRY HENDRICK

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Mr. Larry Hendrick, a resident of Hardin County, Kentucky. On December 12, 2007, Mr. Hendrick will receive the National Association of Agricultural Educators (NAAE) Teacher of the Year award for a region that includes Kentucky, Illinois, Indiana, Michigan, Missouri, and Ohio.

Mr. Hendrick was raised on a farm in Breckenridge County, Kentucky. He began his teaching career in 1978 at East Hardin High School. His first job included instructing Vietnam veterans as part of a co-op farming program. In 1990, Hendrick began his tenure at Central Hardin High School, where he continues to work today.

The NAAE Teacher of the Year award is given to an agricultural educator who has demonstrated the ability to involve students in work-based learning projects and a willingness to promote local agriculture programs. Mr. Hendrick is a Future Farmers of America advisor at Central Hardin High School. He was previously recognized in 1995 as the National Young Farmer Advisor of the Year.

It is my great pleasure to honor Larry Hendrick, before the United States House of Representatives on his selection as the National Association of Agricultural Educators Teacher of the Year. I congratulate him on this achievement and thank him for his commitment to educating Kentucky's students.

HONORING THE SHORT MOUNTAIN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Short Mountain Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Short Mountain Volunteer Fire Department was established with the donation of land and community support. There are 14 active members and eight honorary members.

The department most recently purchased a 750-gallon pump.

Without volunteer fire halls like Short Mountain, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Short Mountain Volunteer Fire Department deserve recognition: Chief Michael Underhill, Asst. Chief Albert Summers, Secretary, Equipment Manager Carol Zellman, Brad Odom, Cory Reed, Jordan McGee, Tony Neal, Jonathan Scurlock, Cyndi Hill, Jamie Campbell, Chip Avera, David Smith, Anthony Prater, Leeroy Jones, Honorary Members: Larie Zellman, Billy Youngblood, Connie Cantrell, Cindy Underhill, Tracy Neal, and Sue Youngblood.

CONGRATULATING THE MINNESOTA STATE ARTS BOARD, RECIPIENT OF THE 2007 NATIONAL ACCESSIBILITY LEADERSHIP AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor the Minnesota State Arts Board as the recipient of the 2007 National Accessibility Leadership Award.

On behalf of the Twin Cities and the citizens of Minnesota, I wish to congratulate the Minnesota State Arts Board for receiving this special award sponsored by the National Endowment for the Arts and the National Assembly of State Arts Agencies. The National Accessibility Leadership Award recognizes the Minnesota State Arts Board's exceptional leadership and highly effective work to make the arts fully inclusive throughout their organization, programming and State.

Board Chair, Andrew Berryhill, the board members, and Executive Director, Thomas Proehl, are to be commended for their invaluable leadership that has made the Minnesota Arts Board a model of accessibility. The Board has built accessibility into every aspect of what it does: its office space, programming, requirements for grantees, and its efforts to reach and serve artists with disabilities.

In March 2002, the Minnesota State Arts Board joined with VSA arts of Minnesota to present the first-ever statewide forum entitled "The Art of Employment: Careers in the Arts for People with Disabilities". As a result, the Artists With Disabilities Alliance was formed in the Twin-cities area, bringing artists with disabilities together to work on projects to advance arts training and career opportunities. Subsequently, the Arts Board, in partnership with its regional arts councils, organized and created six regional artists' networks throughout Minnesota. The Minnesota State Arts Board continues to provide support to the regional groups for a wide variety of activities, such as exhibits, performances, workshops, marketing, and access accommodations. In fact, this highly successful regional model is presently being replicated by the Texas Commission on the Arts.

In August 2007, the Minnesota State Arts Board took a major step to expand its technical assistance work on a national level by co-hosting the "Leadership Exchange in Arts and Disability" conference with the John F. Kennedy Center for the Performing Arts. The meeting brought together 180 artists, arts administrators, educators, and accessibility consultants from around the country to further advance their skills in making the arts fully accessible. This gathering highlighted the board's work to ensure access to Minnesota's art and programming.

Madam Speaker, in honor of the Minnesota State Arts Board, its staff, board members, and advisors, I am pleased to submit this statement for the CONGRESSIONAL RECORD in recognition of their hard work and dedication to increasing access to the arts.

APPOINTMENT OF CONFEREES ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

SPEECH OF

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Ms. SHEA-PORTER. Madam Speaker, the motion to instruct conferees included language from the Senate stating that "the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq." I voted for the motion because the brave men and women of our military have done an outstanding job. They have served our country extremely well under difficult circumstances, and they have done everything that we have asked of them.

Preventing Iraq from becoming a failed state is not the job of the United States military; it is the job of the Iraqi Government and people. The Bush Administration assures us that Iraq is not a failed state, so our troops should be allowed to leave. We need to set a firm timeline for withdrawing from Iraq, so that Iraq's political leaders know that they will need to take responsibility for their own future.

RECOGNIZING MR. DANIEL UYECHI

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. TANCREDO. Madam Speaker, I rise today to congratulate an outstanding steward and teacher in my district, Mr. Daniel Uyechi of Sierra Middle School in Parker. This year, Mr. Uyechi has been awarded the title and honor of a Milken National Educator for his efforts to expand the knowledge and livelihoods of his students. His efforts have undoubtedly made positive impacts among his students, helping them lay the foundations for a successful and rewarding future.

The Milken National Educator Awards are annual monetary gifts given to individual educators nationwide for their remarkable achievements both in and outside of the classroom. Chosen by an independent commission appointed by each State's department of education, these awards highlight and celebrate the successes of a handful of America's most distinguished and prominent educators. I am honored that I have the opportunity to represent one of these fine citizens.

Madam Speaker, please join me in congratulating Mr. Uyechi and wishing him the best in his future endeavors.

HONORING THE COTTONTOWN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Cottontown Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Cottontown Volunteer Fire Department was established in 1999. The department covers approximately 90 square miles and protects 1,100 households. In 2006, the department responded to 151 calls.

Without volunteer fire halls, like Cottontown, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Cottontown Volunteer Fire Department deserve recognition: Chief Joe McLaughlin, Asst. Chief Mike Owens, Lt. Patrick McLaughlin, Lt. Bill Kelly, Glenn Schirg, Shannon Baker, Tommy Casteel, Lydia Casteel, Chris Casteel, President Laura Owens, Treasurer Marilyn McLaughlin.

HONORING THE RUTHERFORD COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Rutherford County Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Rutherford County Volunteer Fire Department was established in June 1998 to protect the citizens in District 11 of Rutherford County. District 11 has a population of 7,340. Currently, the fire department has 30 volunteers, 7 officers, and 5 members serving on the board of directors.

Without volunteer fire halls, like Rutherford County, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Rutherford County Volunteer Fire Department deserve recognition: Chief Craig McBride, Deputy Chief Terry Smith, Asst. Chief Dwajuan Howse, Capt. Lance Sutton, Lt. Tim Forsthoff, Lt. Joel Patnode, Brian Morrow, Kenny McFarland, Gary Hutchinson, Jeff Irvin, Joshua Parsons, Brad Callison, Bobby Canterbury, Markland Holland, Shawn McGoldrick, Sandy Smith, Jonathan Parsons, Micheal Bartlett, Jeff Sawyers, Randy Shaw, Richard Foran, Stephen Windham, Jared Rigsby, Chris Reid, Eddie Welsh, Hunter Fite, Tim Alexander, Chris Sobol, Bob Decker, Jayson Kotter, Justin Parker, Kevin Bennison, Daniel George, Justice DeAndrade, Benjamin Honeycutt, Justin McCraven, James Storey, Jarrett England, Christopher Hayes and Jeffery Turgeon. Board of Directors: Bill Ketron, Tim Burns, Dale Maynard, Helen Brown and Janice Howse.

HONORING THE CARTHAGE FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Carthage Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Carthage Fire Department was established in 1901. Today, the department has 22 volunteers on its roster. The Carthage Fire Department works not only in the suppression and prevention of fires, but also specializes in public education.

Without volunteer fire halls, like Carthage, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Carthage Fire Department deserve recognition: Chief Joe Hiett, Asst. Chief Joe B. Oldham, Capt. Randy Dennis, Capt. Nicky Stallings, Randy Carter, Tracy Fields, L.C. Grisham, Alicia Fields, Edward Lankford, Jacky Carver, Sr., Kerry Dugan, John Hiett, Phillip Upchurch, Matt Watts, Glenn Pettross, David Dillehay, Billy Dennis, Chris Dennis, Derrick Brooks, David Brown, Sottie Grisham and Jeff Crockett. Also listed on the training roster is Chief Edward Stallings, Gone But Not Forgotten.

HONORING THE HIGHLAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Highland Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Highland Volunteer Fire Department was established in 2000 and covers 64 square miles around the city limits of Portland. The department responds to fire and storm-related calls, vehicle accidents, fuel spills and medical First Responder calls. Currently, the fire department has 17 volunteers on its roster.

Without volunteer fire halls, like Highland, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Highland Volunteer Fire Department deserve recognition: Chief and First Responder Kenny Crowson, Asst. Chief George Knuckols, Capt. Richard Lanius, Lt. and First Responder Jessica Knuckols, Lt. Bobby Wilson, Josh Covington, Tav Matthews, Arthur Benjamin, Samantha Roberson, Lindi Costner, William Keen and Auxillary Firefighter Russ Caudill. Firefighter and First Responder David Roberson; Firefighters and EMTs Jim Youngblood and Brent Dyer; Firefighters and Paramedics Scott Meece and Tony Greene.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S14807–S15001

Measures Introduced: Fourteen bills and five resolutions were introduced, as follows: S. 2419–2432, and S. Res. 390–394. **Pages S14847–48**

Measures Reported:

S. 1245, to reform mutual aid agreements for the National Capitol Region. (S. Rept. No. 110–237) **Page S14847**

Measures Passed:

Temporary Tax Relief Act: By 88 yeas to 5 nays (Vote No. 415), Senate passed H.R. 3996, to amend the Internal Revenue Code of 1986 to extend alternative minimum tax relief, after striking all after the enacting clause and inserting in lieu thereof the following amendment proposed thereto: **Pages S14835–38**

Adopted:

Baucus Amendment No. 3804, in the nature of a substitute. **Pages S14835–38**

During consideration of this measure today, Senate also took the following action:

By 46 yeas to 48 nays (Vote No. 414), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S14809–14**

Senator Reid entered a motion to reconsider the vote by which the motion to invoke cloture on the motion to proceed to consideration of the bill (listed above) failed. **Page S14814**

Everglades National Park 60th Anniversary: Senate agreed to S. Res. 392, recognizing the 60th anniversary of Everglades National Park. **Pages S14998–99**

Omaha, Nebraska Westroads Mall Tragedy: Senate agreed to S. Res. 393, expressing the condolences of the Senate to those affected by the tragic events of December 5, 2007, at Westroads Mall in Omaha, Nebraska. **Page S14999**

National Cancer Research Month: Senate agreed to S. Res. 394, recognizing the 100th Anniversary of the founding of the American Association for Cancer Research and declaring the month of May 2007 as National Cancer Research Month. **Pages S14999–S15000**

National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Con. Res. 54, supporting the designation of a week as ''National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week'', and the resolution was then agreed to. **Page S15000**

Hokie Spirit Memorial Fund: Senate passed H.R. 4118, to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University, clearing the measure for the President. **Page S15000**

Emancipation Hall: Senate passed H.R. 3315, to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall, clearing the measure for the President. **Page S15000**

House Messages:

Higher Education Act: Senate concurred in the amendment of the House of Representatives to S. 2371, to amend the Higher Education Act of 1965 to make technical corrections, clearing the measure for the President. **Page S14827**

Charlie W. Norwood Living Organ Donation Act: Senate concurred in the amendments of the House of Representatives to the Senate amendment to H.R. 710, to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, clearing the measure for the President. **Pages S14827–29**

Farm Bill Extension Act—Agreement: A unanimous-consent agreement was reached providing that there be a limitation of 20 first-degree amendments per side to H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012; that the amendments be from the original list of amendments already agreed to on Wednesday, November 14, 2007; that all other provisions of the

previous agreement continue in effect, and that managers amendments cleared by both managers not be counted toward the 20 first-degree amendments; provided further, that the vote on the motion to invoke cloture on Harkin Amendment No. 3500 to H.R. 2419, be delayed to occur at a later time to be determined by the Majority Leader after consultation with the Republican Leader. **Page S14838**

Renewable Fuels, Consumer Protection, and Energy Efficiency Act House Message—Agreement: A unanimous-consent agreement was reached providing that at approximately 9 a.m., on Friday, December 7, 2007, Senate begin consideration of the House message to accompany H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, notwithstanding the receipt of the papers from the House of Representatives; that the Majority Leader be immediately recognized to move to concur in the House amendment and to file cloture on that motion; that there be 20 minutes of debate equally divided on the Majority Leader's motion to be followed by a cloture vote on that motion; provided further, that no other motions or amendments be in order prior to that vote.

Pages S14838, S14839

Nominations Received: Senate received the following nominations:

Ed Schafer, of North Dakota, to be Secretary of Agriculture.

Ricardo H. Hinojosa, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2013.

Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission.

Michael E. Horowitz, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2013.

Stephen N. Limbaugh, Jr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

William E. Smith, of Rhode Island, to be United States Circuit Judge for the First Circuit.

George W. Venables, of California, to be United States Marshal for the Southern District of California for the term of four years.

Routine lists in the Air Force, Army, Coast Guard. **Page S15001**

Messages from the House: **Page S14843**

Measures Referred: **Page S14843**

Measures Placed on the Calendar: **Page S14843**

Executive Communications: **Pages S14843–45**

Petitions and Memorials: **Pages S14845–47**

Executive Reports of Committees: **Page S14847**

Additional Cosponsors: **Pages S14848–49**

Statements on Introduced Bills/Resolutions: **Pages S14849–58**

Additional Statements: **Pages S14841–43**

Amendments Submitted: **Pages S14858–S14998**

Notices of Hearings/Meetings: **Page S14998**

Authorities for Committees to Meet: **Page S14998**

Record Votes: Two record votes were taken today. (Total—415) **Pages S14814, S14838**

Adjournment: Senate convened at 10:30 a.m. and adjourned at 8:17 p.m., until 9 a.m. on Friday, December 7, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S15000.)

Committee Meetings

(Committees not listed did not meet)

ARMY CONTRACTING REPORT

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine the report of the Commission on Army Acquisition and Program Management in Expeditionary Operations entitled "Urgent Reform Required: Army Expeditionary Contracting", after receiving testimony from Jacques S. Gansler, Chairman, Commission on Army Acquisition and Program Management in Expeditionary Operations; and Claude M. Bolton, Jr., Assistant Secretary for Acquisition, Logistics and Technology, Lieutenant General Ross N. Thompson, III, USA, Military Deputy to the Assistant Secretary for Acquisition, Logistics and Technology, and Kathryn A. Condon, Executive Deputy to the Commanding General Army Material Command, all of the United States Army, Department of Defense.

FOREIGN ASSISTANCE TO PAKISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine the foreign assistance of the United States to Pakistan, focusing on the effectiveness of financial aid, after receiving testimony from Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs; James R. Kunder, Acting Deputy Administrator, U.S. Agency for International Development (USAID); and Teresita C. Schaffer, Center for Strategic and International Studies (CSIS), Lawrence Korb, Center for American

Progress, and Robert M. Hathaway, Woodrow Wilson International Center for Scholars, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 344, to permit the televising of Supreme Court proceedings; and

The nominations of Ronald Jay Tenpas, of Maryland, to be an Assistant Attorney General, Gregory A. Brower, to be United States Attorney for the District of Nevada, Diane J. Humetewa, to be United States Attorney for the District of Arizona, and Edmund A. Booth, Jr., to be United States Attorney for the Southern District of Georgia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 40 public bills, H.R. 4299–4338; 2 private bills, H.R. 4339–4340; and 9 resolutions, H.J. Res. 66–67; H. Con. Res. 266–268; and H. Res. 847–848 and 851–852, were introduced. **Pages H14492–94**

Reports Filed: Reports were filed today as follows:

H. Res. 849, providing for the consideration of the Senate amendment to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury (H. Rept. 110–475);

H. Res. 850, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–476);

Conference report on H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2008 (H. Rept. 110–477); and

Conference report on H.R. 2082, to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 110–478).

Pages H14462, H14462–90, H14492

Speaker: Read a letter from the Speaker wherein she appointed Representative Obey to act as Speaker pro tempore for today. **Page H14253**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, December 5th:

Securities Law Technical Corrections Act of 2007: H.R. 3505, amended, to make various technical and clerical amendments to the Federal securities laws, by a ⅔ yea-and-nay vote of 404 yeas with none voting "nay", Roll No. 1135 and **Page H14259**

Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007: H.R. 4253, to improve and expand small business assistance programs for veterans of the armed forces and military reservists, by a ⅔ yea-and-nay vote of 407 yeas to 2 nays, Roll No. 1138. **Pages H14269–70**

Call of the House: On the Call of the House, 380 Members reported their presence, Roll No. 1139. **Page H14434**

Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007: The House agreed to the Senate amendments with amendments, made in order by the rule and printed in H. Rept. 110–474, to H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, by a yea-and-nay vote of 235 yeas to 181 nays, Roll No. 1140. **Pages H14270–H14444**

Pursuant to the rule, the title is amended so as to read: "To move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.". **Page H14315**

H. Res. 846, the rule providing for consideration of the Senate amendments, was agreed to by a yea-and-nay vote of 218 yeas to 195 nays, Roll No. 1137, after agreeing to order the previous question by a yea-and-nay vote of 216 yeas to 192 nays, Roll No. 1136. **Pagess H14255–59, H14260–69**

A point of order was raised against the consideration of H. Res. 846 and it was agreed, by a yea-and-nay vote of 214 yeas to 188 nays, Roll No. 1134, to proceed with consideration of the resolution. **Pages H14256–59**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, December 4th:

McGee Creek Project Pipeline and Associated Facilities Conveyance Act: H.R. 2085, to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, by a ⅔ yea-and-nay vote of 373 yeas with none voting ''nay'', Roll No. 1141. **Pages H14444–45**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. on Monday, December 10th, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, December 11th for morning hour debate. **Page H14448**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, December 12th. **Page H14448**

United States-China Economic and Security Review Commission—Appointments: Read a letter from Representative Boehner, Minority Leader, in which he appointed the following individuals to the United States-China Economic and Security Review Commission: Mr. Peter T.R. Brookes of Virginia (reappointment) and Mr. Daniel M. Slane of Ohio. **Page H14448**

Senate Messages: Messages received from the Senate today appear on pages H14254 and H14456.

Senate Referrals: S. Con. Res. 58 was referred to the Committee on Foreign Affairs. **Page H14490**

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of today and appear on pages H14258–59, H14259, H14268, H14268–69, H14269–70, H14444, and H14445. There was one quorum call, Roll No. 1139, which appears on page H14434.

Adjournment: The House met at 10 a.m. and adjourned at 6:10 p.m.

Committee Meetings

FORECLOSURE PREVENTION LOAN MODIFICATIONS

Committee on Financial Services: Held a hearing entitled ''Accelerating Loan Modifications, Improving Foreclosure Prevention and Enhancing Enforcement.'' Testimony was heard from Sheila C. Bair, Chairman, FDIC; Randall S, Kroszner, member, Board of Governors, Federal Reserve System; the following officials of the Department of the Treasury: John C. Dugan, Comptroller of the Currency; and Scott M. Polakoff, Senior Deputy Director and Chief Operating Officer, Office of Thrift Supervision; Christiane Gigi Hyland, board member, National Credit Union Administration; Mark E. Pearce, Deputy Commissioner of Banks, North Carolina; and public witnesses.

OVERSIGHT—USE OF ROBO-CALLS IN FEDERAL CAMPAIGNS

Committee on House Administration: Subcommittee on Elections held an oversight hearing on the Use of Robo-Calls in Federal Campaigns. Testimony was heard from Representatives Bean, Altmire and Foxx; Steve Carter, Attorney General, Indiana, and public witnesses.

SALES TAX FAIRNESS AND SIMPLIFICATION ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 3396, Sales Tax Fairness and Simplification Act. Testimony was heard from Joan Wagnon, Secretary of Revenue, Kansas; and public witnesses.

INMATE REHABILITATION AND RELEASE PLANNING

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Promoting Inmate Rehabilitation and Successful Release Planning. Testimony was heard from Drew Wrigley, U.S. Attorney, District of North Dakota, Department of Justice; and public witnesses.

SENATE AMENDMENT TO TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Committee on Rules: Granted, by a voice vote, a rule which makes in order a motion by the Chairman of the Committee on Financial Services to concur in the Senate amendment with the House amendment printed in the Rules Committee report. The rule waives all points of order against the motion except clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides 1 hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule further provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Testimony was heard from Chairman Frank

of Massachusetts, and Representatives Wasserman Schultz, and Neugebauer.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM RULES COMMITTEE

Committee on Rules: Granted, by a vote of 8 to 3, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolutions reported on the legislative day of December 11, 2007, providing for consideration of the Senate amendment to H.R. 2764, the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008. The rule also permits the Chairman of the Committee on Appropriations to insert in the Congressional Record during the remainder of the first session of the 110th Congress such material as he may deem explanatory of appropriations measures for the fiscal year 2008. Finally, the rule lays House Resolution 839 on the table.

REVIEW REGULATORY FLEXIBILITY ACT

Committee on Small Business: Held a hearing to review legislation to improve the Regulatory Flexibility Act. Testimony was heard from Thomas M. Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

DNI'S 500-DAY PLAN

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management held a hearing on DNI's 500-Day Plan. Testimony was heard from the following officials of the Office of the Director of National Intelligence: Donald Kerr, Principal Deputy, and David Shedd, Deputy Director, Policy, Plans and Requirements; and public witnesses.

BRIEFING—COLOMBIA

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Colombia. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

DEPARTMENT OF DEFENSE

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 7, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9 a.m., Friday, December 7

Senate Chamber

Program for Friday: Senate will begin consideration of the House message to accompany H.R. 6, CLEAN Energy Act, and after a period of debate, vote on the motion to invoke cloture thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

3 p.m., Monday, December 10

House Chamber

Program for Monday: The House will meet in pro forma session at 3 p.m.

Extensions of Remarks, as inserted in this issue

HOUSE

Bonner, Jo, Ala., E2510, E2512, E2514
Boren, Dan, Okla., E2515
Brady, Robert A., Pa., E2517
Capito, Shelley Moore, W.Va., E2511, E2513, E2515, E2516, E2518
Cuellar, Henry, Tex., E2517
Dingell, John D., Mich., E2514, E2522
Filner, Bob, Calif., E2517
Fossella, Vito, N.Y., E2520
Garrett, Scott, N.J., E2520
Gordon, Bart, Tenn., E2521, E2522, E2523, E2524, E2524, E2525, E2525
Hoyer, Steny H., Md., E2515
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