

110TH CONGRESS
1ST SESSION

H. R. 2701

To strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2007

Mr. OBERSTAR (for himself, Mr. DEFAZIO, Ms. NORTON, Mr. NADLER, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOSWELL, Mr. CAPUANO, Ms. CARSON, Mr. HIGGINS, Mrs. NAPOLITANO, Mr. LIPINSKI, Ms. MATSUI, Mr. HALL of New York, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Transportation Energy Security and Climate Change
 4 Mitigation Act of 2007”.

5 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

TITLE I—DEPARTMENT OF TRANSPORTATION

Sec. 101. Center for climate change and environment.

TITLE II—HIGHWAYS AND TRANSIT

Subtitle A—Public Transportation

Sec. 201. Grants to improve public transportation services.

Sec. 202. Increased Federal share for Clean Air Act compliance.

Sec. 203. Commuter rail transit enhancement.

Subtitle B—Federal-Aid Highways

Sec. 251. Increased Federal share for CMAQ projects.

Sec. 252. Distribution of rescissions.

Sec. 253. Sense of Congress regarding use of complete streets design techniques.

TITLE III—RAILROAD AND PIPELINE TRANSPORTATION

Subtitle A—Railroads

Sec. 301. Green locomotive grant program.

Sec. 302. Capital grants for railroad track.

Subtitle B—Pipelines

Sec. 311. Feasibility studies.

TITLE IV—MARITIME TRANSPORTATION

Subtitle A—General Provisions

Sec. 401. Short sea transportation initiative.

Sec. 402. Short sea shipping eligibility for capital construction fund.

Sec. 403. Report.

Sec. 404. Green ports initiative.

Subtitle B—Maritime Pollution

Sec. 451. References.

Sec. 452. Definitions.

Sec. 453. Applicability.

Sec. 454. Administration and enforcement.

- Sec. 455. Certificates.
- Sec. 456. Reception facilities.
- Sec. 457. Inspections.
- Sec. 458. Amendments to the protocol.
- Sec. 459. Penalties.
- Sec. 460. Effect on other laws.

TITLE V—AVIATION

- Sec. 501. CLEEN engine and airframe technology partnership.
- Sec. 502. Environmental mitigation pilot program.

TITLE VI—PUBLIC BUILDINGS

Subtitle A—General Services Administration

- Sec. 601. Public building energy efficient and renewable energy systems.
- Sec. 602. Public building life-cycle costs.
- Sec. 603. Installation of photovoltaic system at department of energy headquarters building.

Subtitle B—Coast Guard

- Sec. 631. Prohibition on incandescent lamps by Coast Guard.

Subtitle C—Architect of the Capitol

- Sec. 651. Capitol complex photovoltaic roof feasibility study.
- Sec. 652. Capitol complex E-85 refueling station.
- Sec. 653. Energy and environmental measures in Capitol complex master plan.

TITLE VII—WATER RESOURCES AND EMERGENCY MANAGEMENT PREPAREDNESS

Subtitle A—Water Resources

- Sec. 701. Policy of the United States.
- Sec. 702. 21st Century Water Commission.
- Sec. 703. Improving hydropower capabilities.
- Sec. 704. Study of Potential Impacts of Climate Change on Water Resources and Water Quality.
- Sec. 705. Impacts of climate change on Corps of Engineers projects.

Subtitle B—Emergency Management

- Sec. 731. Effects of climate change on FEMA preparedness, response, recovery, and mitigation programs.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Evidence that atmospheric warming and cli-
5 mate change are occurring is unequivocal.

1 (2) Observed and anticipated impacts of climate
2 change can result in economic harm and environ-
3 mental damage to the United States and the world.

4 (3) The Nation’s water resources, ecosystems,
5 and infrastructure will be under increasing stress
6 and pressure in coming decades, particularly due to
7 climate change.

8 (4) Greenhouse gases, such as carbon dioxide,
9 methane, and nitrous oxides, can lead to atmos-
10 pheric warming and climate change.

11 (5) Transportation and buildings are among the
12 leading sources of greenhouse gas emissions.

13 (6) Increased reliance on energy efficient and
14 renewable energy transportation and public buildings
15 can strengthen our Nation’s energy security and
16 mitigate the effects of climate change by cutting
17 greenhouse gas emissions.

18 (7) The Federal Government can strengthen
19 our Nation’s energy security and mitigate the effects
20 of climate change by promoting energy efficient
21 transportation and public buildings, creating incen-
22 tives for the use of alternative fuel vehicles and re-
23 newable energy, and ensuring sound water resource
24 and natural disaster preparedness planning.

1 (b) PURPOSES.—The purposes of this Act are to
2 strengthen our Nation’s energy security and mitigate the
3 effects of climate change by promoting energy efficient
4 transportation and public buildings, creating incentives for
5 the use of alternative fuel vehicles and renewable energy,
6 and ensuring sound water resource and natural disaster
7 preparedness planning.

8 **TITLE I—DEPARTMENT OF**
9 **TRANSPORTATION**

10 **SEC. 101. CENTER FOR CLIMATE CHANGE AND ENVIRON-**
11 **MENT.**

12 (a) IN GENERAL.—Section 102 of title 49, United
13 States Code, is amended—

14 (1) by redesignating subsection (g) as sub-
15 section (h); and

16 (2) by adding at the end the following:

17 “(g) CENTER FOR CLIMATE CHANGE AND ENVIRON-
18 MENT.—

19 “(1) ESTABLISHMENT.—There is established in
20 the Department a Center for Climate Change and
21 Environment to plan, coordinate, and implement—

22 “(A) department-wide research, strategies,
23 and actions to reduce transportation-related en-
24 ergy use and mitigate the effects of climate
25 change; and

1 “(B) department-wide research strategies
2 and action to address the impacts of climate
3 change on transportation systems and infra-
4 structure.

5 “(2) CLEARINGHOUSE.—The Center shall es-
6 tablish a clearinghouse of low-cost solutions to re-
7 duce congestion and transportation-related energy
8 use and mitigate the effects of climate change.”.

9 (b) LOW-COST CONGESTION SOLUTIONS.—

10 (1) STUDY.—The Center for Climate Change
11 and Environment of the Department of Transpor-
12 tation shall conduct a study to examine fuel effi-
13 ciency savings and clean air impacts of major trans-
14 portation projects and to identify low-cost solutions
15 to reduce congestion and transportation-related en-
16 ergy use and mitigate the effects of climate change.

17 (2) REPORT.—Not later than 1 year after the
18 date of enactment of this Act, the Secretary of
19 Transportation shall transmit to the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives a report on low-cost solutions to re-
22 ducing congestion and transportation-related energy
23 use and mitigating the effects of climate change.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary for the

1 Center to carry out its duties under section 102(g) of title
2 49, United States Code, such sums as may be necessary
3 for fiscal years 2008 through 2011.

4 **TITLE II—HIGHWAYS AND**
5 **TRANSIT**
6 **Subtitle A—Public Transportation**

7 **SEC. 201. GRANTS TO IMPROVE PUBLIC TRANSPORTATION**
8 **SERVICES.**

9 (a) AUTHORIZATIONS OF APPROPRIATIONS.—

10 (1) URBANIZED AREA FORMULA GRANTS.—In
11 addition to amounts allocated under section
12 5338(b)(2)(B) of title 49, United States Code, to
13 carry out section 5307 of such title, there is author-
14 ized to be appropriated \$750,000,000 for each fiscal
15 years 2008 and 2009 to carry out such section
16 5307. Such funds shall be apportioned in accordance
17 with section 5336 (other than subsections (i)(1) and
18 (j)) of such title but may not be combined or com-
19 mingled with any other funds apportioned under
20 such section 5336.

21 (2) FORMULA GRANTS FOR OTHER THAN UR-
22 BANIZED AREAS.—In addition to amounts allocated
23 under section 5338(b)(2)(G) of title 49, United
24 States Code, to carry out section 5311 of such title,
25 there is authorized to be appropriated \$100,000,000

1 for each of fiscal years 2008 and 2009 to carry out
2 such section 5311. Such funds shall be apportioned
3 in accordance with such section 5311 but may not
4 be combined or commingled with any other funds
5 apportioned under such section 5311.

6 (b) USE OF FUNDS.—

7 (1) IN GENERAL.—Notwithstanding sections
8 5307 and 5311 of title 49, United States Code, the
9 Secretary of Transportation may make grants under
10 such sections from amounts appropriated under sub-
11 section (a) only for one or more of the following:

12 (A) If the recipient of the grant is reduc-
13 ing, or certifies to the Secretary that, during
14 the term of the grant, the recipient will reduce
15 one or more fares the recipient charges for pub-
16 lic transportation, those operating costs of
17 equipment and facilities being used to provide
18 the public transportation that the recipient is
19 no longer able to pay from the revenues derived
20 from such fare or fares as a result of such re-
21 duction.

22 (B) If the recipient of the grant is expand-
23 ing, or certifies to the Secretary that, during
24 the term of the grant, the recipient will expand
25 public transportation service, those operating

1 and capital costs of equipment and facilities
2 being used to provide the public transportation
3 service that the recipient incurs as a result of
4 the expansion of such service.

5 (c) FEDERAL SHARE.—Notwithstanding any other
6 provision of law, the Federal share of the costs for which
7 a grant is made under this section shall be 100 percent.

8 (d) PERIOD OF AVAILABILITY.—Funds appropriated
9 under this section shall remain available for a period of
10 2 fiscal years.

11 **SEC. 202. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT**

12 **COMPLIANCE.**

13 Notwithstanding section 5323(i)(1) of title 49,
14 United States Code, a grant for a project to be assisted
15 under chapter 53 of such title during fiscal years 2008
16 and 2009 that involves acquiring clean fuel or alternative
17 fuel vehicle-related equipment or facilities for the purposes
18 of complying with or maintaining compliance with the
19 Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100
20 percent of the net project cost of the equipment or facility
21 attributable to compliance with that Act.

22 **SEC. 203. COMMUTER RAIL TRANSIT ENHANCEMENT.**

23 (a) AMENDMENT.—Part E of subtitle V of title 49,
24 United States Code, is amended by adding at the end the
25 following:

1 **“CHAPTER 285—COMMUTER RAIL**
2 **TRANSIT ENHANCEMENT**

“CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

“Sec.

“28501. Definitions

“28502. Surface Transportation Board adjudication of trackage use requests.

“28503. Surface Transportation Board adjudication of rights-of-way use requests.

“28504. Applicability of other laws.

“28505. Rules and regulations.

3 **“§ 28501. Definitions**

4 “In this chapter—

5 “(1) the term ‘Board’ means the Surface
6 Transportation Board;

7 “(2) the term ‘capital work’ means mainte-
8 nance, restoration, reconstruction, capacity enhance-
9 ment, or rehabilitation work on trackage that would
10 be treated, in accordance with generally accepted ac-
11 counting principles, as a capital item rather than an
12 expense;

13 “(3) the term ‘fixed guideway transportation’
14 means public transportation (as defined in section
15 5302(a)(10)) provided on, by, or using a fixed guide-
16 way (as defined in section 5302(a)(4));

17 “(4) the term ‘public transportation authority’
18 means a local governmental authority (as defined in
19 section 5302(a)(6)) established to provide, or make
20 a contract providing for, fixed guideway transpor-
21 tation;

1 cluding mediation, arbitration, or a hearing, that the
2 Board has in place at the time of the application. The
3 public transportation authority or rail carrier may only re-
4 quest binding adjudication if the authority and the carrier
5 have engaged in nonbinding mediation with respect to the
6 trackage and related services by the Board in accordance
7 with the mediation process of section 1109.4 of title 49,
8 Code of Federal Regulations, as in effect on the date of
9 enactment of this section. If the Board, after a binding
10 adjudication procedure, finds it necessary to carry out this
11 chapter, the Board may—

12 “(1) order that the trackage be made available
13 and the related services be provided to the public
14 transportation authority; and

15 “(2) prescribe reasonable terms, conditions, and
16 compensation for use of the trackage and provision
17 of the related services.

18 “(b) RAIL CAPACITY AND QUALITY OF SERVICE
19 STANDARDS FOR ISSUING ORDER.—The Board may issue
20 an order under subsection (a) only if the Board finds—

21 “(1) that sufficient track capacity exists to ac-
22 commodate the trackage that would be made avail-
23 able, and the related services that would be provided,
24 under the order; and

1 “(2) the trackage that would be made available,
2 and the related services that would be provided,
3 under the order would not adversely affect the qual-
4 ity of service provided by the rail carrier.

5 “(c) STANDARD FOR REASONABLE COMPENSA-
6 TION.—When prescribing reasonable compensation under
7 subsection (a)(2), the Board shall consider alternative cost
8 allocation principles, including incremental cost and fully
9 allocated cost. The Board shall consider rail capacity and
10 quality of service provided by the rail carrier as major fac-
11 tors when determining compensation for the use of the
12 trackage and providing the related services.

13 “(d) FINAL DETERMINATION.—The Board shall
14 make a determination under this section not later than
15 120 days in the case of a nonbinding proceeding, and 180-
16 days in the case of a binding proceeding, after a public
17 transportation authority or a rail carrier submits an appli-
18 cation to the Board.

19 **“§ 28503. Surface Transportation Board adjudication**
20 **of rights-of-way use requests**

21 “(a) GENERAL AUTHORITY.—If, after a reasonable
22 period of negotiation, a public transportation authority
23 cannot reach agreement with a rail carrier to acquire an
24 interest in a railroad right-of-way for the construction and
25 operation of a segregated fixed guideway facility, the pub-

1 lic transportation authority or the rail carrier may apply
2 to the Board for adjudication. The applicant may request
3 any type of binding or nonbinding adjudication proce-
4 dures, including mediation, arbitration, or a hearing, that
5 the Board has in place at the time of the application. The
6 public transportation authority or rail carrier may only re-
7 quest binding adjudication if the authority and the carrier
8 have engaged in nonbinding mediation with respect to the
9 acquisition by the Board in accordance with the mediation
10 process of section 1109.4 of title 49, Code of Federal Reg-
11 ulations, as in effect on the date of enactment of this sec-
12 tion. If the Board, after a binding adjudication procedure,
13 finds it necessary to carry out this chapter, the Board may
14 order the rail carrier to convey an interest to the public
15 transportation authority only if—

16 “(1) the Board finds that—

17 “(A) sufficient right-of-way exists to ac-
18 commodate any necessary relocation of the rail
19 carrier’s trackage; and

20 “(B) such conveyance will not adversely af-
21 fect the quality of service provided by the rail
22 carrier;

23 “(2) the public transportation authority as-
24 sumes a reasonable allocation of costs associated

1 with any necessary relocation of the rail carrier's
2 trackage within the right-of-way; and

3 “(3) the fixed guideway transportation purpose
4 of the proposed segregated fixed guideway facility
5 cannot be met adequately at a reasonable cost by ac-
6 quiring an interest in other property.

7 “(b) JUST COMPENSATION.—A conveyance ordered
8 by the Board under this section shall be subject to the
9 payment of just compensation and to such other reason-
10 able terms as the Board may prescribe.

11 **“§ 28504. Applicability of other laws**

12 “(a) BOARD REVIEW OR APPROVAL.—Operations or
13 conveyances undertaken pursuant to an order issued
14 under section 28502 or 28503 are not subject to Board
15 review or approval unless the Board, on a case-by-case
16 basis, has determined that the public transportation au-
17 thority has assumed rights or obligations under such order
18 to provide transportation subject to the jurisdiction of the
19 Board under chapter 105.

20 “(b) CONTRACTUAL OBLIGATIONS FOR CLAIMS.—
21 Nothing in this chapter shall be construed to limit a rail
22 transportation provider's right under section 28103(b) to
23 enter into contracts that allocate financial responsibility
24 for claims.

1 **“§ 28505. Rules and regulations**

2 “Not later than 180 days after the date of enactment
3 of this section, the Board shall issue such rules and regu-
4 lations as may be necessary to carry out this chapter, in-
5 cluding rules to ensure that the Board considers alter-
6 native cost allocation principles under section 28502.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
8 of such subtitle is amended by adding after the item relat-
9 ing to chapter 283 the following:

“285. Commuter Rail Transit Enhancement28501”.

10 **Subtitle B—Federal-Aid Highways**

11 **SEC. 251. INCREASED FEDERAL SHARE FOR CMAQ**
12 **PROJECTS.**

13 Section 120(e) of title 23, United States Code, is
14 amended—

15 (1) in the subsection heading by striking “FOR
16 CERTAIN SAFETY PROJECTS”;

17 (2) by striking “The Federal share” and insert-
18 ing the following:

19 “(1) CERTAIN SAFETY PROJECTS.—The Fed-
20 eral share”; and

21 (3) by adding at the end the following:

22 “(2) CMAQ PROJECTS.—The Federal share
23 payable on account of a project or program carried
24 out under section 149 with funds obligated in fiscal

1 year 2008 or 2009, or both, shall be 100 percent of
2 the cost thereof.”.

3 **SEC. 252. DISTRIBUTION OF RESCISSIONS.**

4 (a) IN GENERAL.—Any unobligated balances of
5 amounts that are appropriated from the Highway Trust
6 Fund for a fiscal year, and apportioned under chapter 1
7 of title 23, United States Code, before, on, or after the
8 date of enactment of this Act and that are rescinded after
9 such date of enactment shall be distributed within each
10 State (as defined in section 101 of such title) among all
11 programs for which funds are apportioned under such
12 chapter for such fiscal year, to the extent sufficient funds
13 remain available for obligation, in the ratio that the
14 amount of funds apportioned for each program under such
15 chapter for such fiscal year, bears to the amount of funds
16 apportioned for all such programs under such chapter for
17 such fiscal year.

18 (b) TREATMENT OF TRANSPORTATION ENHANCE-
19 MENT SET-ASIDE AND FUNDS SUBALLOCATED TO SUB-
20 STATE AREAS.—Funds set aside under sections 133(d)(2)
21 and 133(d)(3) of title 23, United States Code, shall be
22 treated as being apportioned under chapter 1 of such title
23 for purposes of subsection (a).

1 **SEC. 253. SENSE OF CONGRESS REGARDING USE OF COM-**
2 **plete Streets Design Techniques.**

3 It is the sense of Congress that in constructing new
4 roadways or rehabilitating existing facilities, State and
5 local governments should employ policies designed to ac-
6 commodate all users, including motorists, pedestrians, cy-
7 clists, transit riders, and people of all ages and abilities,
8 in order to—

9 (1) serve all surface transportation users by
10 creating a more interconnected and intermodal sys-
11 tem;

12 (2) create more viable transportation options;
13 and

14 (3) facilitate the use of environmentally-friendly
15 options, such as public transportation, walking, and
16 bicycling.

17 **TITLE III—RAILROAD AND**
18 **PIPELINE TRANSPORTATION**
19 **Subtitle A—Railroads**

20 **SEC. 301. GREEN LOCOMOTIVE GRANT PROGRAM.**

21 (a) IN GENERAL.—The Secretary of Transportation
22 shall establish a program for making grants to railroad
23 carriers and State and local governments for assistance
24 in purchasing qualified locomotives.

1 (b) RAILROAD CARRIER DEFINED.—The term “rail-
2 road carrier” has the meaning that the term has in section
3 20102 of title 49, United States Code.

4 (c) USE OF FUNDS.—

5 (1) GRANTS.—The Secretary may make a grant
6 to a railroad carrier or a State or local govern-
7 ment—

8 (A) to purchase locomotives, including
9 switch locomotives, that exceed the Environ-
10 mental Protection Agency’s emission standards
11 for locomotives and locomotive engines; or

12 (B) to recondition locomotives, including
13 switch locomotives, to ensure that such loco-
14 motives meet or exceed the Environmental Pro-
15 tection Agency’s emission standards for loco-
16 motives and locomotive engines.

17 (2) LIMITATION.—Notwithstanding paragraph
18 (1), no grant under this section may be used to fund
19 the costs of emission reductions that are mandated
20 under Federal, State, or local law.

21 (d) GRANT CRITERIA.—In selecting applicants for
22 grants under this section, the Secretary shall consider—

23 (1) the identified need for locomotives that ex-
24 ceed the Environmental Protection Agency’s emis-

1 sion standards for locomotives or locomotive engines
2 in the areas served by the applicant;

3 (2) the benefits of the emissions reductions of
4 the proposed project; and

5 (3) the extent to which the applicant dem-
6 onstrates innovative strategies and a financial com-
7 mitment to increasing energy efficiency and reducing
8 greenhouse gas emissions of its railroad operations.

9 (e) COMPETITIVE GRANT SELECTION.—The Sec-
10 retary shall conduct a national solicitation for applications
11 for grants under this section and shall select grantees on
12 a competitive basis.

13 (f) FEDERAL SHARE.—The Federal share of the
14 costs for a project under this section shall not exceed 90
15 percent of the project cost.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Secretary
18 \$50,000,000 for each of the fiscal years 2008 through
19 2011 to carry out this section. Such funds shall remain
20 available until expended.

21 **SEC. 302. CAPITAL GRANTS FOR RAILROAD TRACK.**

22 (a) AMENDMENT.—Chapter 223 of title 49, United
23 States Code, is amended to read as follows:

1 **“CHAPTER 223—CAPITAL GRANTS FOR**
2 **RAILROAD TRACK**

“Sec.

“22301. Capital grants for railroad track.

3 **“§ 22301. Capital grants for railroad track**

4 “(a) ESTABLISHMENT OF PROGRAM.—

5 “(1) ESTABLISHMENT.—The Secretary of
6 Transportation shall establish a program of capital
7 grants for the rehabilitation, preservation, or im-
8 provement of railroad track (including roadbed,
9 bridges, and related track structures) of class II and
10 class III railroads. Such grants shall be for rehabili-
11 tating, preserving, or improving track used primarily
12 for freight transportation to a standard ensuring
13 that the track can be operated safely and efficiently,
14 including grants for rehabilitating, preserving, or im-
15 proving track to handle 286,000 pound rail cars.
16 Grants may be provided under this chapter—

17 “(A) directly to the class II or class III
18 railroad; or

19 “(B) with the concurrence of the class II
20 or class III railroad, to a State or local govern-
21 ment.

22 “(2) STATE COOPERATION.—Class II and class
23 III railroad applicants for a grant under this chap-
24 ter are encouraged to utilize the expertise and assist-

1 ance of State transportation agencies in applying for
2 and administering such grants. State transportation
3 agencies are encouraged to provide such expertise
4 and assistance to such railroads.

5 “(3) INTERIM REGULATIONS.—Not later than
6 December 31, 2007, the Secretary shall issue tem-
7 porary regulations to implement the program under
8 this section. Subchapter II of chapter 5 of title 5
9 does not apply to a temporary regulation issued
10 under this paragraph or to an amendment to such
11 a temporary regulation.

12 “(4) FINAL REGULATIONS.—Not later than Oc-
13 tober 1, 2008, the Secretary shall issue final regula-
14 tions to implement the program under this section.

15 “(b) MAXIMUM FEDERAL SHARE.—The maximum
16 Federal share for carrying out a project under this section
17 shall be 80 percent of the project cost. The non-Federal
18 share may be provided by any non-Federal source in cash,
19 equipment, or supplies. Other in-kind contributions may
20 be approved by the Secretary on a case-by-case basis con-
21 sistent with this chapter.

22 “(c) PROJECT ELIGIBILITY.—For a project to be eli-
23 gible for assistance under this section the track must have
24 been operated or owned by a class II or class III railroad
25 as of the date of the enactment of this chapter.

1 “(d) USE OF FUNDS.—Grants provided under this
2 section shall be used to implement track capital projects
3 as soon as possible. In no event shall grant funds be con-
4 tractually obligated for a project later than the end of the
5 third Federal fiscal year following the year in which the
6 grant was awarded. Any funds not so obligated by the end
7 of such fiscal year shall be returned to the Secretary for
8 reallocation.

9 “(e) EMPLOYEE PROTECTION.—The Secretary shall
10 require as a condition of any grant made under this sec-
11 tion that the recipient railroad provide a fair arrangement
12 at least as protective of the interests of employees who
13 are affected by the project to be funded with the grant
14 as the terms imposed under section 11326(a), as in effect
15 on the date of the enactment of this chapter.

16 “(f) LABOR STANDARDS.—

17 “(1) PREVAILING WAGES.—The Secretary shall
18 ensure that laborers and mechanics employed by
19 contractors and subcontractors in construction work
20 financed by a grant made under this section will be
21 paid wages not less than those prevailing on similar
22 construction in the locality, as determined by the
23 Secretary of Labor under subchapter IV of chapter
24 31 of title 40 (commonly known as the ‘Davis-Bacon
25 Act’). The Secretary shall make a grant under this

1 section only after being assured that required labor
 2 standards will be maintained on the construction
 3 work.

4 “(2) WAGE RATES.—Wage rates in a collective
 5 bargaining agreement negotiated under the Railway
 6 Labor Act (45 U.S.C. 151 et seq.) are deemed for
 7 purposes of this subsection to comply with the sub-
 8 chapter IV of chapter 31 of title 40.

9 “(g) STUDY.—The Secretary shall conduct a study
 10 of the projects carried out with grant assistance under this
 11 section to determine the public interest benefits associated
 12 with the light density railroad networks in the States and
 13 their contribution to a multimodal transportation system.
 14 Not later than March 31, 2009, the Secretary shall report
 15 to Congress any recommendations the Secretary considers
 16 appropriate regarding the eligibility of light density rail
 17 networks for Federal infrastructure financing.

18 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 19 are authorized to be appropriated to the Secretary of
 20 Transportation \$250,000,000 for each of fiscal years 2008
 21 through 2011 for carrying out this section.”.

22 (b) CONFORMING AMENDMENT.—The item relating
 23 to chapter 223 in the table of chapters of subtitle V of
 24 title 49, United States Code, is amended to read as fol-
 25 lows:

“223. CAPITAL GRANTS FOR RAILROAD TRACK22301”.

Subtitle B—Pipelines

2 SEC. 311. FEASIBILITY STUDIES.

3 (a) IN GENERAL.—The Secretary of Energy, in co-
4 ordination with the Secretary of Transportation, shall con-
5 duct feasibility studies for the construction of pipelines
6 dedicated to the transportation of ethanol.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Secretary of Energy shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on such feasibility studies.

13 (c) STUDY FACTORS.—Feasibility studies funded
14 under this subtitle shall include consideration of—

15 (1) existing or potential barriers to the con-
16 struction of pipelines dedicated to the transportation
17 of ethanol, including technical, siting, financing, and
18 regulatory barriers;

19 (2) market risk, including throughput risk;

20 (3) regulatory, financing, and siting options
21 that would mitigate such risk and help ensure the
22 construction of pipelines dedicated to the transpor-
23 tation of ethanol;

1 (4) ensuring the safe transportation of ethanol
 2 and preventive measures to ensure pipeline integrity;
 3 and

4 (5) such other factors as the Secretary of En-
 5 ergy considers appropriate.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Secretary of En-
 8 ergy to carry out this section \$1,000,000 for each of the
 9 fiscal years 2008 and 2009, to remain available until ex-
 10 pended.

11 **TITLE IV—MARITIME** 12 **TRANSPORTATION**

13 **Subtitle A—General Provisions**

14 **SEC. 401. SHORT SEA TRANSPORTATION INITIATIVE.**

15 (a) IN GENERAL.—Title 46, United States Code, is
 16 amended by adding after chapter 555 the following:

17 **“CHAPTER 556—SHORT SEA** 18 **TRANSPORTATION**

“Sec. 55601. Short sea transportation program.

“Sec. 55602. Cargo and shippers.

“Sec. 55603. Financing of short sea transportation projects.

“Sec. 55604. Interagency coordination.

“Sec. 55605. Research on short sea transportation.

“Sec. 55606. Short sea transportation defined.

19 **“§ 55601. Short sea transportation program**

20 “(a) ESTABLISHMENT.—The Secretary of Transpor-
 21 tation shall establish a short sea transportation program

1 and designate short sea transportation projects to be con-
2 ducted under the program to mitigate landside congestion.

3 “(b) PROGRAM ELEMENTS.—The program shall en-
4 courage the use of short sea transportation through the
5 development and expansion of—

6 “(1) documented vessels;

7 “(2) shipper utilization;

8 “(3) port and landside infrastructure; and

9 “(4) marine transportation strategies by State
10 and local governments.

11 “(c) SHORT SEA TRANSPORTATION ROUTES.—The
12 Secretary shall designate short sea transportation routes
13 as extensions of the surface transportation system to focus
14 public and private efforts to use the waterways to relieve
15 landside congestion along coastal corridors. The Secretary
16 may collect and disseminate data for the designation and
17 delineation of short sea transportation routes.

18 “(d) PROJECT DESIGNATION.—The Secretary may
19 designate a project to be a short sea transportation project
20 if the Secretary determines that the project may—

21 “(1) offer a waterborne alternative to available
22 landside transportation services using documented
23 vessels; and

24 “(2) provide transportation services for pas-
25 sengers or freight (or both) that may reduce conges-

1 tion on landside infrastructure using documented
2 vessels.

3 “(e) ELEMENTS OF PROGRAM.—For a short sea
4 transportation project designated under this section, the
5 Secretary of Transportation may—

6 “(1) promote the development of short sea
7 transportation services;

8 “(2) coordinate, with ports, State departments
9 of transportation, localities, other public agencies,
10 and the private sector and on the development of
11 landside facilities and infrastructure to support
12 short sea transportation services; and

13 “(3) develop performance measures for the
14 short sea transportation program.

15 “(f) MULTI-STATE, STATE AND REGIONAL TRANS-
16 PORTATION PLANNING.—The Secretary, in consultation
17 with Federal entities and State and local governments,
18 shall develop strategies to encourage the use of short sea
19 transportation for transportation of passengers and cargo.
20 The Secretary shall—

21 “(1) assess the extent to which States and local
22 governments include short sea transportation and
23 other marine transportation solutions in their trans-
24 portation planning;

1 “(2) encourage State departments of transpor-
2 tation to develop strategies, where appropriate, to
3 incorporate short sea transportation, ferries, and
4 other marine transportation solutions for regional
5 and interstate transport of freight and passengers in
6 their transportation planning; and

7 “(3) encourage groups of States and multi-
8 State transportation entities to determine how short
9 sea transportation can address congestion, bottle-
10 necks, and other interstate transportation chal-
11 lenges.

12 **“§ 55602. Cargo and shippers**

13 “(a) MEMORANDUMS OF AGREEMENT.—The Sec-
14 retary of Transportation shall enter into memorandums
15 of understanding with the heads of other Federal entities
16 to transport federally owned or generated cargo using a
17 short sea transportation project designated under section
18 55601 when practical or available.

19 “(b) SHORT-TERM INCENTIVES.—The Secretary
20 shall consult shippers and other participants in transpor-
21 tation logistics and develop proposals for short-term incen-
22 tives to encourage the use of short sea transportation.

1 **“§ 55603. Financing of short sea transportation**
2 **projects**

3 “(a) **AUTHORITY TO MAKE LOAN GUARANTEE.**—The
4 Secretary of Transportation, subject to the availability of
5 appropriations, may make a loan guarantee for the financ-
6 ing of the construction, reconstruction, or reconditioning
7 of a vessel that will be used for a short sea transportation
8 project designated under section 55601.

9 “(b) **TERMS AND CONDITIONS.**—In making a loan
10 guarantee under this section, the Secretary shall use the
11 authority, terms, and conditions that apply to a loan guar-
12 antee made under chapter 537.

13 “(c) **GENERAL LIMITATIONS.**—The total unpaid
14 principal amount of obligations guaranteed under this
15 chapter and outstanding at one time may not exceed
16 \$2,000,000,000.

17 “(d) **FULL FAITH AND CREDIT.**—The full faith and
18 credit of the United States Government is pledged to the
19 payment of a guarantee made under this chapter, for both
20 principal and interest, including interest (as may be pro-
21 vided for in the guarantee) accruing between the date of
22 default under a guaranteed obligation and the date of pay-
23 ment in full of the guarantee.

24 “(e) **AUTHORIZATION OF APPROPRIATIONS.**—There
25 is authorized to be appropriated \$25,000,000 to carry out
26 this section for each of fiscal years 2008 through 2011.

1 **“§ 55604. Interagency coordination**

2 “The Secretary of Transportation shall establish a
3 board to identify and seek solutions to impediments hin-
4 dering effective use of short sea transportation. The board
5 shall include representatives of other Federal, State, and
6 local governmental entities and private sector entities.

7 **“§ 55605. Research on short sea transportation**

8 “The Secretary of Transportation may conduct re-
9 search on short sea transportation, regarding—

10 “(1) the environmental and transportation ben-
11 efits to be derived from short sea transportation al-
12 ternatives for other forms of transportation;

13 “(2) technology, vessel design, and other im-
14 provements that would reduce emissions, increase
15 fuel economy, and lower costs of short sea transpor-
16 tation and increase the efficiency of intermodal
17 transfers; and

18 “(3) identify and seek solutions to impediments
19 to short sea transportation projects designated
20 under section 55601.

21 **“§ 55606. Short sea transportation defined**

22 “In this chapter, the term ‘short sea transportation’
23 means the carriage by vessel of cargo—

24 “(1) that is—

25 “(A) contained in intermodal cargo con-
26 tainers and loaded by crane on the vessel; or

1 “(B) loaded on the vessel by means of
2 wheeled technology; and

3 “(2) that is—

4 “(A) loaded at a port in the United States
5 and unloaded at another port in the United
6 States or a port in Canada located in the Great
7 Lakes Saint Lawrence Seaway System; or

8 “(B) loaded at a port in Canada located in
9 the Great Lakes Saint Lawrence Seaway Sys-
10 tem and unloaded at a port in the United
11 States.”.

12 (b) CLERICAL AMENDMENT.—The table of chapters
13 at the beginning of subtitle V of such title is amended
14 by inserting after the item relating to chapter 555 the fol-
15 lowing:

“556. Short Sea Transportation55601”.

16 (c) REGULATIONS.—

17 (1) INTERIM REGULATIONS.—Not later than
18 December 31, 2007, the Secretary of Transportation
19 shall issue temporary regulations to implement the
20 program under this section. Subchapter II of chap-
21 ter 5 of title 5, United States Code, does not apply
22 to a temporary regulation issued under this para-
23 graph or to an amendment to such a temporary reg-
24 ulation.

1 (2) FINAL REGULATIONS.—Not later than Oc-
2 tober 1, 2008, the Secretary shall issue final regula-
3 tions to implement the program under this section.

4 **SEC. 402. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL**
5 **CONSTRUCTION FUND.**

6 (a) DEFINITION OF QUALIFIED VESSEL.—Section
7 53501 of title 46, United States Code, is amended—

8 (1) in paragraph (5)(A)(iii) by striking “or non-
9 contiguous domestic” and inserting “noncontiguous
10 domestic, or short sea transportation trade”; and

11 (2) by inserting after paragraph (6) the fol-
12 lowing:

13 “(6) SHORT SEA TRANSPORTATION TRADE.—
14 The term ‘short sea transportation trade’ means the
15 carriage by vessel of cargo—

16 “(A) that is—

17 “(i) contained in intermodal cargo
18 containers and loaded by crane on the ves-
19 sel; or

20 “(ii) loaded on the vessel by means of
21 wheeled technology; and

22 “(B) that is—

23 “(i) loaded at a port in the United
24 States and unloaded at another port in the
25 United States or a port in Canada located

1 in the Great Lakes Saint Lawrence Sea-
2 way System; or

3 “(ii) loaded at a port in Canada lo-
4 cated in the Great Lakes Saint Lawrence
5 Seaway System and unloaded at a port in
6 the United States.”.

7 (b) ALLOWABLE PURPOSE.—Section 53503(b) of
8 such title is amended by striking “or noncontiguous do-
9 mestic trade” and inserting “noncontiguous domestic, or
10 short sea transportation trade”.

11 **SEC. 403. REPORT.**

12 Not later than one year after the date of enactment
13 of this Act, the Secretary of Transportation shall submit
14 to the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee on
16 Commerce, Science, and Transportation of the Senate a
17 report on the short sea transportation program established
18 under the amendments made by section 401. The report
19 shall include a description of the activities conducted
20 under the program, and any recommendations for further
21 legislative or administrative action that the Secretary con-
22 sidered appropriate.

23 **SEC. 404. GREEN PORTS INITIATIVE.**

24 (a) IN GENERAL.—

1 (1) DEVELOPMENT AND IMPLEMENTATION.—

2 The Secretary of Transportation shall develop and
3 implement a green port initiative to promote the use
4 of technologies in United States ports and shipyards
5 to reduce air emissions including particulate matter,
6 nitrogen oxides, sulfur oxides, and carbon
7 monoxides. The program may include—

8 (A) use of electric and low-emission vehi-
9 cles for cargo handling equipment;

10 (B) use of electric shore power and low
11 pollution auxiliary engines for vessels in port;

12 (C) use of energy efficient lighting and
13 other electrical products in ports;

14 (D) use of best management practices to
15 decrease emissions;

16 (E) use of technology and best manage-
17 ment practices to prevent pollution of the wa-
18 ters in ports;

19 (F) use of other energy efficient or low
20 emission technologies that the Secretary con-
21 siders necessary.

22 (2) GREEN PORT AWARD.—The Secretary may
23 issue a green port award to a port that meets the
24 standards for that award prescribed by the Sec-
25 retary for low emissions and pollution by a port.

1 (b) CLEAN TECHNOLOGY ASSISTANCE.—

2 (1) IN GENERAL.—The Secretary may provide
3 grants and low-cost revolving loans, as determined
4 by the Secretary, on a competitive basis, to ports,
5 terminal operators, and shipyards to achieve signifi-
6 cant reductions in diesel emissions of particulate
7 matter, nitrogen oxides, and sulfur oxides in United
8 States ports.

9 (2) PRIORITIZATION.—The Secretary shall pro-
10 vide grants and loans to the applicants that will use
11 the funds provided to remove the largest amount of
12 pollutants for each dollar provided in the grant or
13 loan.

14 (3) APPLICATIONS.—

15 (A) IN GENERAL.—To receive a grant or
16 loan under this subsection, a port, terminal op-
17 erator, or shipyard shall submit to the Sec-
18 retary an application at a time, in a manner,
19 and including any information that the Sec-
20 retary may require.

21 (B) INCLUSIONS.—An application under
22 this paragraph shall include—

23 (i) a description of the air quality of
24 the area served by the port, terminal oper-
25 ator, or shipyard;

1 (ii) the quantity of air pollution pro-
2 duced in the port area served by the port,
3 terminal operator, or shipyard;

4 (iii) a description of the project pro-
5 posed by the port, terminal operator, or
6 shipyard, including the means by which the
7 project will achieve a significant reduction
8 in diesel emissions;

9 (iv) an evaluation (using methodology
10 approved by the Secretary) of the benefits
11 of the emissions reductions of the proposed
12 project;

13 (v) an estimate of the cost of the pro-
14 posed project; and

15 (vi) provisions for the monitoring and
16 verification of the project.

17 (4) USE OF FUNDS.—

18 (A) IN GENERAL.—A port, terminal oper-
19 ator, or shipyard may use a grant or loan pro-
20 vided under this subsection to fund the costs
21 of—

22 (i) a technology (including any incre-
23 mental costs of a repowered or new diesel
24 engine) that significantly reduces emissions
25 through development and implementation

1 of a certified engine configuration, verified
2 technology, or emerging technology for—

3 (I) a medium-duty truck or a
4 heavy-duty truck;

5 (II) a marine engine;

6 (III) a nonroad engine or vehicle
7 used in applications such as handling
8 of cargo; and

9 (IV) electric shore power and low
10 pollution auxiliary engines for vessels
11 in port; and

12 (ii) an idle-reduction program involv-
13 ing a vehicle or equipment.

14 (B) REGULATORY PROGRAMS.—Notwith-
15 standing paragraph (1), no grant or loan pro-
16 vided under this subsection may be used to
17 fund the costs of emissions reductions that are
18 mandated under Federal, State, or local law.

19 (C) ENGINES.—A recipient of a grant or
20 loan under this subsection may only use the
21 funds under the grant or loan for engines that
22 are certified for low emissions and technology
23 that has been verified in a manner prescribed
24 by the Secretary as producing low emissions.

1 (5) FEDERAL SHARE.—The Federal share of
2 the costs for a project for which a grant is made
3 under this subsection may not exceed 90 percent.

4 (6) LIMITATION ON AMOUNT.—A grant or loan
5 under this subsection may not exceed \$1,000,000.

6 (7) TECHNICAL REVIEW TEAM.—The Secretary
7 shall establish a technical review team comprised of
8 members from agencies within the Department of
9 Transportation to review proposals for grants and
10 loans under this subsection. The Secretary shall se-
11 lect agencies to serve as review panel participants
12 based on the Secretary's determination that they
13 possess the necessary expertise and knowledge to
14 evaluate the proposals.

15 (8) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated \$25,000,000
17 for each of fiscal years 2008 through 2011 to carry
18 out this subsection.

19 (c) USE OF SETTLEMENT AMOUNTS.—

20 (1) IN GENERAL.—The Secretary, acting
21 through the Maritime Administrator, shall consult
22 with the Attorney General regarding the payment to
23 maritime emission reduction foundations authorized
24 by the Administrator of amounts collected by the
25 Government as a result of settlements relating to al-

1 legations of violations of environmental laws related
2 to vessels, ports, and port-related services.

3 (2) USE OF AMOUNTS.—Such amounts shall be
4 used by such a foundation for the development of
5 technologies, including best management practices,
6 related to compliance with marine emissions reduc-
7 tion, as determined appropriate by the Maritime Ad-
8 ministrator.

9 (d) TESTING PROGRAM.—

10 (1) IN GENERAL.—The Secretary, acting
11 through the Maritime Administrator, may establish
12 a cooperative partnership with the Administrator of
13 the Environmental Protection Agency, or any other
14 agency the Secretary determines to be appropriate,
15 to test emissions reduction technology on actual ves-
16 sels.

17 (2) TECHNOLOGIES TO BE TESTED.—The pro-
18 gram under this subsection shall be based on emer-
19 gent and existing technologies that have been
20 verified effective under laboratory conditions.

21 (3) MAINTENANCE OF VESSEL USABILITY.—
22 Any technology tested under this subsection must
23 not permanently alter or render the vessel on which
24 it is tested ineffective for long-term Maritime Ad-
25 ministration use.

1 (4) ADMINISTRATION PRIORITIES AND
2 NEEDS.—The Secretary shall designate vessels as
3 platforms for testing under this subsection in ac-
4 cordance with Maritime Administration priorities
5 and needs.

6 (5) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated to the Sec-
8 retary \$6,000,000 to administer and implement co-
9 operative partnerships established under paragraph
10 (1).

11 **Subtitle B—Maritime Pollution**

12 **SEC. 451. REFERENCES.**

13 Wherever in this subtitle an amendment or repeal is
14 expressed in terms of an amendment to or a repeal of a
15 section or other provision, the reference shall be consid-
16 ered to be made to a section or other provision of the Act
17 to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

18 **SEC. 452. DEFINITIONS.**

19 Section 2(a) (33 U.S.C. 1901(a)) is amended—

20 (1) by redesignating the paragraphs (1)
21 through (12) as paragraphs (2) through (13), re-
22 spectively;

23 (2) by inserting before paragraph (2) (as so re-
24 designated) the following:

1 “(1) ‘Administrator’ means the Administrator
2 of the Environmental Protection Agency.”;

3 (3) in paragraph (5) (as so redesignated) by
4 striking “and V” and inserting “V, and VI”;

5 (4) in paragraph (6) (as so redesignated) by
6 striking “‘discharge’ and ‘garbage’ and ‘harmful
7 substance’ and ‘incident’” and inserting “‘dis-
8 charge’, ‘emission’, ‘garbage’, ‘harmful substance’,
9 and ‘incident’”; and

10 (5) by redesignating paragraphs (7) through
11 (13) (as redesignated) as paragraphs (8) through
12 (14), respectively, and inserting after paragraph (6)
13 (as redesignated) the following:

14 “(7) ‘navigable waters’ includes the territorial
15 sea of the United States (as defined in Presidential
16 Proclamation 5928 of December 27, 1988) and the
17 internal waters of the United States;”.

18 **SEC. 453. APPLICABILITY.**

19 Section 3 (33 U.S.C. 1902) is amended—

20 (1) in subsection (a)—

21 (A) by striking “and” at the end of para-
22 graph (3);

23 (B) by striking the period at the end of
24 paragraph (4) and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(5) with respect to Annex VI to the Conven-
2 tion, and other than with respect to a ship referred
3 to in paragraph (1)—

4 “(A) to a ship that is in a port, shipyard,
5 offshore terminal, or the internal waters of the
6 United States;

7 “(B) to a ship that is bound for, or depart-
8 ing from, a port, shipyard, offshore terminal, or
9 the internal waters of the United States, and is
10 in—

11 “(i) the navigable waters of the
12 United States;

13 “(ii) an emission control area des-
14 ignated pursuant to section 4; or

15 “(iii) any other area that the Admin-
16 istrator, in consultation with the Secretary
17 and each State in which any part of the
18 area is located, has designated by order as
19 being an area from which emissions from
20 ships are of concern with respect to protec-
21 tion of public health, welfare, or the envi-
22 ronment;

23 “(C) to a ship that is entitled to fly the
24 flag of, or operating under the authority of, a
25 party to Annex VI, and is in—

1 “(i) the navigable waters of the
2 United States;

3 “(ii) an emission control area des-
4 ignated under section 4; or

5 “(iii) any other area that the Admin-
6 istrator, in consultation with the Secretary
7 and each State in which any part of the
8 area is located, has designated by order as
9 being an area from which emissions from
10 ships are of concern with respect to protec-
11 tion of public health, welfare, or the envi-
12 ronment; and

13 “(D) to the extent consistent with inter-
14 national law, to any other ship that is in—

15 “(i) the exclusive economic zone of the
16 United States;

17 “(ii) the navigable waters of the
18 United States;

19 “(iii) an emission control area des-
20 ignated under section 4; or

21 “(iv) any other area that the Adminis-
22 trator, in consultation with the Secretary
23 and each State in which any part of the
24 area is located, has designated by order as
25 being an area from which emissions from

1 ships are of concern with respect to protec-
2 tion of public health, welfare, or the envi-
3 ronment.”;

4 (2) in subsection (b)—

5 (A) in paragraph (1) by striking “para-
6 graph (2)” and inserting “paragraphs (2) and
7 (3)”; and

8 (B) by adding at the end the following:

9 “(3) With respect to Annex VI the Administrator, or
10 the Secretary, as relevant to their authorities pursuant to
11 this Act, may determine that some or all of the require-
12 ments under this Act shall apply to one or more classes
13 of public vessels, except that such a determination by the
14 Administrator shall have no effect unless the head of the
15 Department or agency under which the vessels operate
16 concur in the determination. This paragraph does not
17 apply during time of war or during a declared national
18 emergency.”;

19 (3) by redesignating subsections (e) through (g)
20 as subsections (d) through (h), respectively; and

21 (4) by inserting after subsection (b) the fol-
22 lowing:

23 “(c) APPLICATION TO OTHER PERSONS.—This Act
24 shall apply to all persons to the extent necessary to ensure
25 compliance with Annex VI to the Convention.”; and

1 (5) in subsection (e), as redesignated—

2 (A) by inserting “or the Administrator,
3 consistent with section 4 of this Act,” after
4 “Secretary”;

5 (B) by striking “of section (3)” and insert-
6 ing “of this section”; and

7 (C) by striking “Protocol, including regula-
8 tions conforming to and giving effect to the re-
9 quirements of Annex V” and inserting “Pro-
10 tocol (or the applicable Annex), including regu-
11 lations conforming to and giving effect to the
12 requirements of Annex V and Annex VI”.

13 **SEC. 454. ADMINISTRATION AND ENFORCEMENT.**

14 Section 4 (33 U.S.C. 1903) is amended—

15 (1) by redesignating subsections (b) and (c) as
16 subsections (c) and (d), respectively; and

17 (2) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) DUTY OF THE ADMINISTRATOR.—In addition to
20 other duties specified in this Act, the Administrator and
21 the Secretary, respectively, shall have the following duties
22 and authorities:

23 “(1) The Administrator shall, and no other per-
24 son may, issue Engine International Air Pollution
25 Prevention certificates in accordance with Annex VI

1 and the International Maritime Organization’s Tech-
2 nical Code on Control of Emissions of Nitrogen Ox-
3 ides from Marine Diesel Engines, on behalf of the
4 United States for a vessel of the United States as
5 that term is defined in section 116 of title 46,
6 United States Code. The issuance of Engine Inter-
7 national Air Pollution Prevention certificates shall
8 be consistent with any applicable requirements of
9 the Clean Air Act (42 U.S.C. 7401 et seq.) or regu-
10 lations prescribed under that Act.

11 “(2) The Administrator shall have authority to
12 administer regulations 12, 13, 14, 15, 16, 17, 18,
13 and 19 of Annex VI to the Convention.

14 “(3) The Administrator shall, only as specified
15 in section 8(f), have authority to enforce Annex VI
16 of the Convention.”; and

17 (3) in subsection (c), as redesignated—

18 (A) by redesignating paragraph (2) as
19 paragraph (4); and

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

22 “(2) In addition to the authority the Secretary has
23 to prescribe regulations under this Act, the Administrator
24 shall also prescribe any necessary or desired regulations

1 to carry out the provisions of regulations 12, 13, 14, 15,
2 16, 17, 18, and 19 of Annex VI to the Convention.

3 “(3) In prescribing any regulations under this sec-
4 tion, the Secretary and the Administrator shall consult
5 with each other, and with respect to regulation 19, with
6 the Secretary of the Interior.”; and

7 (C) by adding at the end the following:

8 “(5) No standard issued by any person or Federal
9 authority, with respect to emissions from tank vessels sub-
10 ject to regulation 15 of Annex VI to the Convention, shall
11 be effective until 6 months after the required notification
12 to the International Maritime Organization by the Sec-
13 retary.”.

14 **SEC. 455. CERTIFICATES.**

15 Section 5 (33 U.S.C. 1904) is amended—

16 (1) in subsection (a) by striking “The Sec-
17 retary” and inserting “Except as provided in section
18 4(b)(1), the Secretary”;

19 (2) in subsection (b) by striking “Secretary
20 under the authority of the MARPOL protocol.” and
21 inserting “Secretary or the Administrator under the
22 authority of this Act.”; and

23 (3) in subsection (e) by striking “environment.”
24 and inserting “environment or the public health and
25 welfare.”.

1 **SEC. 456. RECEPTION FACILITIES.**

2 Section 6 (33 U.S.C. 1905) is amended—

3 (1) in subsection (a) by adding at the end the
4 following:

5 “(3) The Secretary and the Administrator, after con-
6 sulting with appropriate Federal agencies, shall jointly
7 prescribe regulations setting criteria for determining the
8 adequacy of reception facilities for receiving ozone deplet-
9 ing substances, equipment containing such substances,
10 and exhaust gas cleaning residues at a port or terminal,
11 and stating any additional measures and requirements as
12 are appropriate to ensure such adequacy. Persons in
13 charge of ports and terminals shall provide reception fa-
14 cilities, or ensure that reception facilities are available, in
15 accordance with those regulations. The Secretary and the
16 Administrator may jointly prescribe regulations to certify,
17 and may issue certificates to the effect, that a port’s or
18 terminal’s facilities for receiving ozone depleting sub-
19 stances, equipment containing such substances, and ex-
20 haust gas cleaning residues from ships are adequate.”;

21 (2) in subsection (b) by inserting “or the Ad-
22 ministrator” after “Secretary”;

23 (3) in subsection (e) by striking paragraph (2)
24 and inserting the following:

25 “(2) The Secretary may deny the entry of a ship to
26 a port or terminal required by the MARPOL Protocol, this

1 Act, or regulations prescribed under this section relating
2 to the provision of adequate reception facilities for gar-
3 bage, ozone depleting substances, equipment containing
4 those substances, or exhaust gas cleaning residues, if the
5 port or terminal is not in compliance with the MARPOL
6 Protocol, this Act, or those regulations.”;

7 (4) in subsection (f)(1) by striking “Secretary
8 is” and inserting “Secretary and the Administrator
9 are”; and

10 (5) in subsection (f)(2) by striking “(A)”.

11 **SEC. 457. INSPECTIONS.**

12 Section 8(f) (33 U.S.C. 1907(f)) is amended to read
13 as follows:

14 “(f)(1) The Secretary may inspect a ship to which
15 this Act applies as provided under section 3(a)(5), to
16 verify whether the ship is in compliance with Annex VI
17 to the Convention and this Act.

18 “(2) If an inspection under this subsection or any
19 other information indicates that a violation has occurred,
20 the Secretary, or the Administrator in a matter referred
21 by the Secretary, may undertake enforcement action under
22 this section.

23 “(3) Notwithstanding subsection (b) and paragraph
24 (2) of this subsection, the Administrator shall have all of
25 the authorities of the Secretary, as specified in subsection

1 (b) of this section, for the purposes of enforcing regula-
2 tions 17 and 18 of Annex VI to the Convention to the
3 extent that shoreside violations are the subject of the ac-
4 tion and in any other matter referred to the Administrator
5 by the Secretary.”.

6 **SEC. 458. AMENDMENTS TO THE PROTOCOL.**

7 Section 10(b) (33 U.S.C. 1909(b)) is amended by in-
8 serting “or the Administrator as provided for in this Act,”
9 after “Secretary,”.

10 **SEC. 459. PENALTIES.**

11 Section 9 (33 U.S.C. 1908) is amended—

12 (1) by striking “Protocol,,” each place it ap-
13 pears and inserting “Protocol,”;

14 (2) in subsection (b) by inserting “, or the Ad-
15 ministrator as provided for in this Act” after “Sec-
16 retary” the first place it appears;

17 (3) in subsection (b)(2), by inserting “, or the
18 Administrator as provided for in this Act,” after
19 “Secretary”;

20 (4) in the matter after paragraph (2) of sub-
21 section (b)—

22 (A) by inserting “, or the Administrator as
23 provided for in this Act” after “Secretary” the
24 first place it appears; and

1 (B) by inserting “, or the Administrator as
2 provided for in this Act,” after “Secretary” the
3 second and third places it appears;

4 (5) in subsection (c) by inserting “, or the Ad-
5 ministrator as provided for in this Act,” after “Sec-
6 retary” each place it appears; and

7 (6) in subsection (f) by inserting “, or the Ad-
8 ministrator as provided for in this Act” after “Sec-
9 retary” the first place appears.

10 **SEC. 460. EFFECT ON OTHER LAWS.**

11 Section 15 (33 U.S.C. 1911) is amended to read as
12 follows:

13 **“SEC. 15. EFFECT ON OTHER LAWS.**

14 “Authorities, requirements, and remedies of this Act
15 supplement and neither amend nor repeal any other au-
16 thorities, requirements, or remedies conferred by any
17 other provision of law. Nothing in this Act shall limit,
18 deny, amend, modify, or repeal any other authority, re-
19 quirement, or remedy available to the United States or
20 any other person, except as expressly provided in this
21 Act.”.

TITLE V—AVIATION

SEC. 501. CLEEN ENGINE AND AIRFRAME TECHNOLOGY PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 is amended by adding at the end the following:

“§ 47511. CLEEN engine and airframe technology partnership

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

“(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term ‘CLEEN engine and airframe technology’ means continuous lower energy, emissions, and noise engine and airframe technology.

“(c) PERFORMANCE OBJECTIVE.—The Administrator shall establish the following performance objectives for the program, to be achieved by September 30, 2015:

“(1) Development of certifiable aircraft technology that reduces greenhouse gas emissions by in-

1 creasing aircraft fuel efficiency by 25 percent relative to 1997 subsonic jet aircraft technology.

3 “(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

9 “(3) Development of certifiable aircraft technology that reduces noise levels by 10 decibels at each of the 3 certification points relative to 1997 subsonic jet aircraft technology.

13 “(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

17 “(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

22 “(d) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

25 “(1) \$6,000,000 for fiscal year 2008.

1 “(2) \$22,000,000 for fiscal year 2009.

2 “(3) \$33,000,000 for fiscal year 2010.

3 “(4) \$50,000,000 for fiscal year 2011.

4 “(e) REPORT.—Beginning in fiscal year 2009, the
5 Administrator shall publish an annual report on the pro-
6 gram established under this section until completion of the
7 program.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
9 subchapter is amended by adding at the end the following:
“47511. CLEEN engine and airframe technology partnership.”.

10 **SEC. 502. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

11 (a) ESTABLISHMENT.—The Secretary of Transpor-
12 tation shall establish a pilot program to carry out not
13 more than 6 environmental mitigation demonstration
14 projects at public-use airports.

15 (b) GRANTS.—In implementing the program, the Sec-
16 retary may make a grant to the sponsor of a public-use
17 airport from funds apportioned under section
18 47117(e)(1)(A) of title 49, United States Code, to carry
19 out an environmental mitigation demonstration project to
20 measurably reduce or mitigate aviation impacts on noise,
21 air quality, or water quality in the vicinity of the airport.

22 (c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—
23 An environmental mitigation demonstration project that
24 receives funds made available under this section may be

1 considered an eligible airport-related project for purposes
2 of section 40117 of such title.

3 (d) SELECTION CRITERIA.—In selecting among ap-
4 plicants for participation in the program, the Secretary
5 shall give priority consideration to applicants proposing to
6 carry out environmental mitigation demonstration projects
7 that will—

8 (1) achieve the greatest reductions in aircraft
9 noise, airport emissions, or airport water quality im-
10 pacts either on an absolute basis or on a per dollar
11 of funds expended basis; and

12 (2) be implemented by an eligible consortium.

13 (e) FEDERAL SHARE.—Notwithstanding any provi-
14 sion of subchapter I of chapter 471 of such title, the
15 United States Government share of allowable project costs
16 of an environmental mitigation demonstration project car-
17 ried out under this section shall be 50 percent.

18 (f) MAXIMUM AMOUNT.—The Secretary may not
19 make grants for a single environmental mitigation dem-
20 onstration project under this section in a total amount
21 that exceeds \$2,500,000.

22 (g) PUBLICATION OF INFORMATION.—The Secretary
23 may develop and publish information on the results of en-
24 vironmental mitigation demonstration projects carried out
25 under this section, including information identifying best

1 practices for reducing or mitigating aviation impacts on
2 noise, air quality, or water quality in the vicinity of air-
3 ports.

4 (h) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) ELIGIBLE CONSORTIUM.—The term “eligi-
7 ble consortium” means a consortium of 2 or more of
8 the following entities:

9 (A) A business incorporated in the United
10 States.

11 (B) A public or private educational or re-
12 search organization located in the United
13 States.

14 (C) An entity of a State or local govern-
15 ment.

16 (D) A Federal laboratory.

17 (2) ENVIRONMENTAL MITIGATION DEMONSTRA-
18 TION PROJECT.—The term “environmental mitiga-
19 tion demonstration project” means a project that—

20 (A) demonstrates at a public-use airport
21 environmental mitigation techniques or tech-
22 nologies with associated benefits, which have al-
23 ready been proven in laboratory demonstra-
24 tions;

1 (B) utilizes methods for efficient adapta-
2 tion or integration of innovative concepts to air-
3 port operations; and

4 (C) demonstrates whether a technique or
5 technology for environmental mitigation identi-
6 fied in research is—

7 (i) practical to implement at or near
8 multiple public-use airports; and

9 (ii) capable of reducing noise, airport
10 emissions, greenhouse gas emissions, or
11 water quality impacts in measurably sig-
12 nificant amounts.

13 **TITLE VI—PUBLIC BUILDINGS**

14 **Subtitle A—General Services**

15 **Administration**

16 **SEC. 601. PUBLIC BUILDING ENERGY EFFICIENT AND RE-** 17 **NEWABLE ENERGY SYSTEMS.**

18 (a) ESTIMATE OF ENERGY PERFORMANCE IN PRO-
19 SPECTUS.—Section 3307(b) of title 40, United States
20 Code, is amended—

21 (1) by striking “and” at the end of paragraph

22 (5);

23 (2) by striking the period at the end of para-
24 graph (6) and inserting “; and”; and

1 (3) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) with respect to any prospectus for the con-
4 struction, alteration, or acquisition of any building
5 or space to be leased, an estimate of the future en-
6 ergy performance of the building or space and a spe-
7 cific description of the use of energy efficient and re-
8 newable energy systems, including photovoltaic sys-
9 tems, in carrying out the project.”.

10 (b) MINIMUM PERFORMANCE REQUIREMENTS FOR
11 LEASED SPACE.—Section 3307 of such of title is amend-
12 ed—

13 (1) by redesignating subsections (f) and (g) as
14 subsections (g) and (h), respectively; and

15 (2) by inserting after subsection (e) the fol-
16 lowing:

17 “(f) MINIMUM PERFORMANCE REQUIREMENTS FOR
18 LEASED SPACE.—With respect to space to be leased, the
19 Administrator shall include, to the maximum extent prac-
20 ticable, minimum performance requirements requiring en-
21 ergy efficiency and the use of renewable energy.”.

22 (c) USE OF ENERGY EFFICIENT LIGHTING FIX-
23 TURES AND BULBS.—

24 (1) IN GENERAL.—Chapter 33 of such title is
25 amended—

1 (A) by redesignating sections 3313, 3314,
2 and 3315 as sections 3315, 3316, and 3317, re-
3 spectively; and

4 (B) by inserting after section 3312 the fol-
5 lowing:

6 **“§ 3313. Use of energy efficient lighting fixtures and**
7 **bulbs**

8 “(a) CONSTRUCTION, ALTERATION, AND ACQUI-
9 SITION OF PUBLIC BUILDINGS.—Each public building con-
10 structed, altered, or acquired by the Administrator of Gen-
11 eral Services shall be equipped, to the maximum extent
12 feasible as determined by the Administrator, with lighting
13 fixtures and bulbs that are energy efficient.

14 “(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each
15 lighting fixture or bulb that is replaced by the Adminis-
16 trator in the normal course of maintenance of public build-
17 ings shall be replaced, to the maximum extent feasible,
18 with a lighting fixture or bulb that is energy efficient.

19 “(c) CONSIDERATIONS.—In making a determination
20 under this section concerning the feasibility of installing
21 a lighting fixture or bulb that is energy efficient, the Ad-
22 ministrator shall consider—

23 “(1) the life-cycle cost effectiveness of the fix-
24 ture or bulb;

1 “(2) the compatibility of the fixture or bulb
2 with existing equipment;

3 “(3) whether use of the fixture or bulb could re-
4 sult in interference with productivity;

5 “(4) the aesthetics relating to use of the fixture
6 or bulb; and

7 “(5) such other factors as the Administrator
8 determines appropriate.

9 “(d) ENERGY STAR.—A lighting fixture or bulb shall
10 be treated as being energy efficient for purposes of this
11 section if—

12 “(1) the fixture or bulb is certified under the
13 Energy Star program established by section 324A of
14 the Energy Policy and Conservation Act (42 U.S.C.
15 6294a); or

16 “(2) the Administrator has otherwise deter-
17 mined that the fixture or bulb is energy efficient.

18 “(e) APPLICABILITY OF BUY AMERICAN ACT.—
19 Aquisitions carried out pursuant to this section shall be
20 subject to the requirements of the Buy American Act (41
21 U.S.C. 10c et seq.).

22 “(f) EFFECTIVE DATE.—The requirements of sub-
23 sections (a) and (b) shall take effect one year after the
24 date of enactment of this subsection.”.

1 (2) CONFORMING AMENDMENT.—The analysis
2 for such chapter is amended by striking the items
3 relating to sections 3313, 3314, and 3315 and in-
4 serting the following:

“3313. Use of energy efficient lighting fixtures and bulbs.

“3314. Maximum period for utility services contracts.

“3315. Delegation.

“3316. Report to Congress.

“3317. Certain authority not affected.”.

5 (d) MAXIMUM PERIOD FOR UTILITY SERVICE CON-
6 TRACTS.—Such chapter is further amended by inserting
7 after section 3313 (as inserted by subsection (c)(1) of this
8 section) the following:

9 **“§ 3314. Maximum period for utility service contracts**

10 “Notwithstanding section 501(b)(1)(B), the Adminis-
11 trator of General Services may contract for public utility
12 services for a period of not more than 30 years if cost
13 effective and necessary to promote the use of energy effi-
14 cient and renewable energy systems, including photovoltaic
15 systems.”.

16 (e) EVALUATION FACTOR.—Section 3310 of such
17 title is amended—

18 (1) by striking “and” at the end of paragraph

19 (4);

20 (2) by redesignating paragraphs (3), (4), and

21 (5) as paragraphs (4), (5), and (6), respectively; and

22 (3) by inserting after paragraph (2) the fol-
23 lowing:

1 “(3) shall include in the solicitation for any
2 lease requiring a prospectus under section 3307 an
3 evaluation factor considering the extent to which the
4 offeror will promote energy efficiency and the use of
5 renewable energy;”.

6 **SEC. 602. PUBLIC BUILDING LIFE-CYCLE COSTS.**

7 Section 544(a)(1) of the National Energy Conserva-
8 tion Policy Act (42 U.S.C. 8254(a)(1)) is amended by
9 striking “25” and inserting “40”.

10 **SEC. 603. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT**

11 **DEPARTMENT OF ENERGY HEADQUARTERS**

12 **BUILDING.**

13 (a) IN GENERAL.—The Administrator of General
14 Services shall install a photovoltaic system, as set forth
15 in the Sun Wall Design Project, for the headquarters
16 building of the Department of Energy located at 1000
17 Independence Avenue, Southwest, Washington, D.C., com-
18 monly known as the Forrestal Building.

19 (b) FUNDING.—There shall be available from the
20 Federal Buildings Fund established by section 592 of title
21 40, United States Code, \$30,000,000 to carry out this sec-
22 tion. Such sums shall be derived from the unobligated bal-
23 ance of amounts made available from the Fund for fiscal
24 year 2007, and prior fiscal years, for repairs and alter-
25 nations and other activities (excluding amounts made

1 available for the energy program). Such sums shall remain
2 available until expended.

3 (c) OBLIGATION OF FUNDS.—None of the funds
4 made available pursuant to subsection (b) may be obli-
5 gated prior to September 30, 2007.

6 **Subtitle B—Coast Guard**

7 **SEC. 631. PROHIBITION ON INCANDESCENT LAMPS BY** 8 **COAST GUARD.**

9 (a) PROHIBITION.—Except as provided by subsection
10 (b), on and after January 1, 2009, a general service incan-
11 descent lamp shall not be purchased or installed in a Coast
12 Guard facility by or on behalf of the Coast Guard.

13 (b) EXCEPTION.—A general service incandescent
14 lamp may be purchased, installed, and used in a Coast
15 Guard facility whenever—

16 (1) the application of a general service incan-
17 descent lamp is—

18 (A) necessary due to purpose or design, in-
19 cluding medical, security, and industrial appli-
20 cations; or

21 (B) reasonable due to the architectural or
22 historical value of a light fixture installed before
23 January 1, 2009; or

24 (C) the Commandant of the Coast Guard
25 determines that operational requirements neces-

1 sitate the use of a general service incandescent
2 lamp.

3 (c) LIMITATION.—In this section, the term “facility”
4 does not include a vessel or aircraft of the Coast Guard.

5 **Subtitle C—Architect of the Capitol**

6 **SEC. 651. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASI-** 7 **BILITY STUDY.**

8 (a) STUDY.—The Architect of the Capitol may per-
9 form a feasibility study regarding construction of a photo-
10 voltaic roof for the Rayburn House Office Building.

11 (b) REPORT.—Not later than 6 months after the date
12 of enactment of this Act, the Architect of the Capitol shall
13 transmit to the Committee on Transportation and Infra-
14 structure of the House of Representatives a report on the
15 results of the feasibility study and recommendations re-
16 garding construction of a photovoltaic roof for the building
17 referred to in subsection (a).

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 such sums as may be necessary for fiscal year 2008.

21 **SEC. 652. CAPITOL COMPLEX E-85 REFUELING STATION.**

22 (a) CONSTRUCTION.—The Architect of the Capitol
23 may construct a fuel tank and pumping system for E-
24 85 fuel at or within close proximity to the Capitol Grounds
25 Fuel Station.

1 (b) USE.—The E–85 fuel tank and pumping system
2 shall be available for use by all legislative branch vehicles
3 capable of operating with E–85 fuel, subject to such other
4 legislative branch agencies reimbursing the Architect of
5 the Capitol for the costs of E–85 fuel used by such other
6 legislative branch vehicles.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 such sums as may be necessary for fiscal year 2008.

10 **SEC. 653. ENERGY AND ENVIRONMENTAL MEASURES IN**
11 **CAPITOL COMPLEX MASTER PLAN.**

12 (a) IN GENERAL.—To the maximum extent prac-
13 ticable, the Architect of the Capitol shall include energy
14 efficiency measures, climate change mitigation measures,
15 and other appropriate environmental measures in the Cap-
16 itol Complex Master Plan.

17 (b) REPORT.—Not later than 6 months after the date
18 of enactment of this Act, the Architect of the Capitol shall
19 submit to the Committee on Transportation and Infra-
20 structure of the House of Representatives and the Com-
21 mittee on Rules of the Senate a report on the energy effi-
22 ciency measures, climate change mitigation measures, and
23 other appropriate environmental measures included in the
24 Capitol Complex Master Plan pursuant to subsection (a).

1 **TITLE VII—WATER RESOURCES**
2 **AND EMERGENCY MANAGE-**
3 **MENT PREPAREDNESS**

4 **Subtitle A—Water Resources**

5 **SEC. 701. POLICY OF THE UNITED STATES.**

6 It is the policy of the United States that all Federal
7 water resources projects—

8 (1) reflect national priorities for flood damage
9 reduction, navigation, ecosystem restoration, and
10 hazard mitigation and consider the future impacts of
11 increased hurricanes, droughts, and other climate
12 change related weather events;

13 (2) avoid the unwise use of floodplains, mini-
14 mize vulnerabilities in any case in which a floodplain
15 must be used, protect and restore the extent and
16 functions of natural systems, and mitigate any un-
17 avoidable damage to aquatic natural system; and

18 (3) to the maximum extent possible, avoid im-
19 pacts to wetlands, which create natural buffers, help
20 filter water, serve as recharge areas for aquifers, re-
21 duce floods and erosion and provide valuable plant
22 and animal habitat.

1 **SEC. 702. 21ST CENTURY WATER COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the “21st Century Water Commis-
4 sion” (in this section referred to as the “Commission”).

5 (b) DUTIES.—The duties of the Commission shall be
6 to—

7 (1) use existing water assessments and conduct
8 such additional studies and assessments as may be
9 necessary to project—

10 (A) future water supply and demand;

11 (B) impacts of climate change to our Na-
12 tion’s flood risk and water demand; and

13 (C) associated impacts of climate change
14 on water quality;

15 (2)(A) study current water management pro-
16 grams of Federal, interstate, State, and local agen-
17 cies and private sector entities directed at increasing
18 water supplies and improving the availability, reli-
19 ability, and quality of freshwater resources; and

20 (B) evaluate such programs’ hazard mitigation
21 strategies and contingency planning in light of cli-
22 mate change impacts, including sea level rise, flood-
23 ing, and droughts; and

24 (3) consult with representatives of such agen-
25 cies and entities to develop recommendations, con-

1 sistent with laws, treaties, decrees, and interstate
2 compacts, for a comprehensive water strategy to—

3 (A) recognize the primary role of States in
4 adjudicating, administering, and regulating
5 water rights and water uses;

6 (B) identify incentives intended to ensure
7 an adequate and dependable supply of water to
8 meet the needs of the United States for the
9 next 50 years and incentives to include the fu-
10 ture impacts of climate change on water supply
11 and quality for the next 50 years;

12 (C) eliminate duplication and conflict
13 among Federal governmental programs;

14 (D) consider all available technologies (in-
15 cluding climate change predictions, advanced
16 modeling and mapping of wetlands, floodplains,
17 and other critical areas) and other methods to
18 optimize water supply reliability, availability,
19 and quality, while safeguarding and enhancing
20 the environment and planning for the potential
21 impacts of climate change on water quality,
22 water supply, flood and storm damage reduc-
23 tion, and ecosystem health;

1 (E) recommend means of capturing excess
2 water and flood water for conservation and use
3 in the event of a drought;

4 (F) identify adaptation techniques, or fur-
5 ther research needs of adaptation techniques,
6 for effectively conserving freshwater and coastal
7 systems as they respond to climate change;

8 (G) suggest financing options, incentives,
9 and strategies for development of comprehen-
10 sive water management plans, holistically de-
11 signed water resources projects, conservation of
12 existing water resource infrastructure (includ-
13 ing recommendations for repairing aging water
14 infrastructure) and to increase the use of non-
15 structural elements (including green infrastruc-
16 ture and low impact development techniques);

17 (H) suggest strategies for using best avail-
18 able climate science in projections of future
19 flood and drought risk, and for developing haz-
20 ard mitigation strategies to protect water qual-
21 ity, in extreme weather conditions caused by cli-
22 mate change;

23 (I) identify policies that encourage low im-
24 pact development, especially in areas near high
25 priority aquatic systems;

1 (J) suggest strategies for encouraging the
2 use of, and reducing biases against, non-
3 structural elements and low impact development
4 techniques when managing stormwater, includ-
5 ing features that—

6 (i) preserve and restore natural proc-
7 esses, landforms (such as floodplains), nat-
8 ural vegetated stream side buffers, wet-
9 lands, or other topographical features that
10 can slow, filter, and naturally store
11 stormwater runoff and flood waters for fu-
12 ture water supply and recharge of natural
13 aquifers;

14 (ii) utilize natural design techniques
15 that infiltrate, filter, store, evaporate, and
16 detain water close to its source; or

17 (iii) minimize the use of impervious
18 surfaces in order to slow or infiltrate pre-
19 cipitation;

20 (K) suggest strategies for addressing in-
21 creased sewage overflow problems due to chang-
22 ing storm dynamics and the impact of aging
23 stormwater and wastewater infrastructure, pop-
24 ulation growth, and urban sprawl;

1 (L) promote environmental restoration
2 projects that reestablish natural processes; and

3 (M) identify opportunities to promote ex-
4 isting or create regional planning, including op-
5 portunities to integrate climate change into
6 water infrastructure and environmental con-
7 servation planning.

8 (c) MEMBERSHIP.—

9 (1) NUMBER AND APPOINTMENT.—The Com-
10 mission shall be composed of 8 members who shall
11 be appointed, not later than 90 days after the date
12 of enactment of this Act, as follows:

13 (A) 2 members appointed by the President.

14 (B) 2 members appointed by the Speaker
15 of the House of Representatives from a list of
16 4 individuals—

17 (i) 2 nominated for that appointment
18 by the chairman of the Committee on
19 Transportation and Infrastructure of the
20 House of Representatives; and

21 (ii) 2 nominated for that appointment
22 by the chairman of the Committee Natural
23 Resources of the House of Representatives.

1 (C) 2 members appointed by the majority
2 leader of the Senate from a list of 4 individ-
3 uals—

4 (i) 2 nominated for that appointment
5 by the chairman of the Committee on En-
6 vironment and Public Works of the Senate;
7 and

8 (ii) 2 nominated for that appointment
9 by the chairman of the Committee on En-
10 ergy and Natural Resources of the Senate.

11 (D) 1 member appointed by the minority
12 leader of the House of Representatives from a
13 list of 2 individuals—

14 (i) one nominated for that appoint-
15 ment by the ranking member of the Com-
16 mittee on Transportation and Infrastruc-
17 ture of the House of Representatives; and

18 (ii) one nominated for that appoint-
19 ment by the ranking member of the Com-
20 mittee on Natural Resources of the Senate.

21 (E) 1 member appointed by the minority
22 leader of the Senate from a list of 2 individ-
23 uals—

24 (i) one nominated for that appoint-
25 ment by the ranking member of the Com-

1 mittee on Environment and Public Works
2 of the Senate; and

3 (ii) one nominated for that appoint-
4 ment by the ranking member of the Com-
5 mittee on Energy and Natural Resources
6 of the Senate.

7 (2) QUALIFICATIONS.—

8 (A) RECOGNIZED STANDING AND DISTINC-
9 TION.—Members shall be appointed to the
10 Commission from among individuals who are of
11 recognized standing and distinction in water
12 policy issues.

13 (B) LIMITATION.—A person while serving
14 as a member of the Commission may not hold
15 any other position as an officer or employee of
16 the United States, except as a retired officer or
17 retired civilian employee of the United States.

18 (C) OTHER CONSIDERATIONS.—In appoint-
19 ing members of the Commission, every effort
20 shall be made to ensure that the members rep-
21 resent a broad cross section of regional and
22 geographical perspectives in the United States.

23 (3) CHAIRPERSON.—The Chairperson of the
24 Commission shall be elected by a majority vote of
25 the members of the Commission.

1 (4) TERMS.—Members of the Commission shall
2 serve for the life of the Commission.

3 (5) VACANCIES.—A vacancy on the Commission
4 shall not affect its operation and shall be filled in
5 the manner in which the original appointment was
6 made.

7 (6) COMPENSATION AND TRAVEL EXPENSES.—
8 Members of the Commission shall serve without
9 compensation; except that members shall receive
10 travel expenses, including per diem in lieu of subsist-
11 ence, in accordance with applicable provisions under
12 subchapter I of chapter 57, United States Code.

13 (d) MEETINGS AND QUORUM.—

14 (1) MEETINGS.—The Commission shall hold its
15 first meeting not later than 60 days after the date
16 on which all original members are appointed under
17 subsection (c) and shall hold additional meetings at
18 the call of the Chairperson or a majority of its mem-
19 bers.

20 (2) QUORUM.—A majority of the members of
21 the Commission shall constitute a quorum for the
22 transaction of business.

23 (e) DIRECTOR AND STAFF.—

24 (1) DIRECTOR.—The Commission shall have a
25 Director who shall be appointed by the Speaker of

1 the House of Representatives and the majority lead-
2 er of the Senate, in consultation with the minority
3 leader of the House of Representatives, the chairmen
4 of the Committees on Resources and Transportation
5 and Infrastructure of the House of Representatives,
6 the minority leader of the Senate, and the chairmen
7 of the Committee on Energy and Natural Resources
8 and Environment and Public Works of the Senate.

9 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
10 LAWS.—The Director and staff of the Commission
11 may be appointed without regard to the provisions
12 of title 5, United States Code, governing appoint-
13 ments in the competitive service, and may be paid
14 without regard to the provisions of chapter 51 and
15 subchapter III of chapter 53 of that title relating to
16 classification and General Schedule pay rates; except
17 that an individual so appointed may not receive pay
18 in excess of the annual rate of basic pay for GS-15
19 of the General Schedule.

20 (f) HEARINGS.—

21 (1) MINIMUM NUMBER.—The Commission shall
22 hold no fewer than 10 hearings during the life of the
23 Commission.

1 (2) IN CONJUNCTION WITH MEETINGS.—Hear-
2 ings may be held in conjunction with meetings of the
3 Commission.

4 (3) TESTIMONY AND EVIDENCE.—The Commis-
5 sion may take such testimony and receive such evi-
6 dence as the Commission considers appropriate to
7 carry out this section.

8 (4) SPECIFIED.—At least one hearing shall be
9 held in Washington, District of Columbia, for the
10 purpose of taking testimony of representatives of
11 Federal agencies, national organizations, and Mem-
12 bers of Congress. At least one hearing shall focus on
13 potential water resource issues relating to climate
14 change and how to mitigate the harms of climate
15 change-related weather events.

16 (5) NONSPECIFIED.—Hearings, other than
17 those referred to in paragraph (4), shall be sched-
18 uled in distinct geographical regions of the United
19 States. In conducting such hearings, the Commission
20 should seek to ensure testimony from individuals
21 with a diversity of experiences, including those who
22 work on water issues at all levels of government and
23 in the private sector.

1 (g) INFORMATION AND SUPPORT FROM FEDERAL
2 AGENCIES.—Upon request of the Commission, the head
3 of a Federal department or agency shall—

4 (1) provide to the Commission, within 30 days
5 of the request, such information as the Commission
6 considers necessary to carry out this section; and

7 (2) detail to temporary duty with the Commis-
8 sion on a reimbursable basis such personnel as the
9 Commission considers necessary to carry out this
10 section.

11 (h) INTERIM REPORTS.—Not later than one year
12 after the date of the first meeting of the Commission, and
13 every year thereafter, the Commission shall submit an in-
14 terim report containing a detailed summary of its
15 progress, including meetings held and hearings conducted
16 before the date of the report, to—

17 (1) the President; and

18 (2) Congress.

19 (i) FINAL REPORT.—As soon as practicable, but not
20 later than 5 years after the date of the first meeting of
21 the Commission, the Commission shall submit a final re-
22 port containing a detailed statement of the findings and
23 conclusions of the Commission and recommendations for
24 legislation and other policies to implement such findings
25 and conclusions to—

1 (1) the President;

2 (2) the Committee on Resources and the Com-
3 mittee on Transportation and Infrastructure of the
4 House of Representatives; and

5 (3) the Committee on Energy and Natural Re-
6 sources and the Committee on the Environment and
7 Public Works of the Senate.

8 (j) TERMINATION.—The Commission shall terminate
9 not later than 30 days after the date on which the Com-
10 mission transmits a final report under subsection (h)(1).

11 (k) APPLICABILITY OF FEDERAL ADVISORY COM-
12 MITTEE ACT.—The Federal Advisory Committee Act (5
13 U.S.C. App. 1 et seq.) shall not apply to the Commission.

14 (l) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated \$12,000,000 to carry
16 out this section.

17 **SEC. 703. IMPROVING HYDROPOWER CAPABILITIES.**

18 (a) STUDY.—The Secretary of the Army shall con-
19 duct a study on the potential for reduced fossil fuel con-
20 sumption through an increase in hydropower capabilities
21 of the Corps of Engineers.

22 (b) CONTENTS.—The study shall include an examina-
23 tion of the potential for improving hydropower capabilities
24 at dams owned or operated by the Corps of Engineers,
25 including the ecological impacts of such capabilities.

1 (c) REPORT.—Not later than one year after the date
2 of enactment of this Act, the Secretary shall submit to
3 Congress a report containing the results of the study con-
4 ducted under this section.

5 **SEC. 704. STUDY OF POTENTIAL IMPACTS OF CLIMATE**
6 **CHANGE ON WATER RESOURCES AND WATER**
7 **QUALITY.**

8 (a) NATIONAL ACADEMY STUDY.—The Adminis-
9 trator of the Environmental Protection Agency shall enter
10 into an arrangement with the National Academy of
11 Sciences under which the Academy shall—

12 (1) identify the potential impacts of climate
13 change on the Nation’s water resources, watersheds,
14 and water quality, including the potential for im-
15 pacts to wetlands, shoreline erosion, and saltwater
16 intrusion as a result of sea level rise, and the poten-
17 tial for significant regional variation in precipitation
18 events to impact Federal, State, and local efforts to
19 attain or maintain water quality;

20 (2) assess the extent to which Federal and
21 State efforts under the Federal Water Pollution
22 Control Act (33 U.S.C. 1251 et. seq.) and other
23 ocean and coastal laws may be affected by climate
24 change;

1 (3) identify prudent steps to assess emerging
2 information and identify appropriate response ac-
3 tions to meet the requirements of such Act, includ-
4 ing provisions to attain or maintain water quality
5 standards and for adequate stream flows for wet-
6 lands and aquatic resources; and

7 (4) recommend, if necessary, potential legisla-
8 tive or regulatory changes to address impacts of
9 global climate change on efforts to restore and main-
10 tain the chemical, physical, and biological integrity
11 of the Nation's waters.

12 (b) RECOMMENDATIONS.—Not later than 2 years
13 after the date of the enactment of this Act, the Adminis-
14 trator shall transmit to Congress a report on the results
15 of the study under this section.

16 **SEC. 705. IMPACTS OF CLIMATE CHANGE ON CORPS OF EN-**
17 **GINEERS PROJECTS.**

18 (a) IN GENERAL.—The Secretary of the Army shall
19 ensure that water resources projects and studies carried
20 out by the Corps of Engineers after the date of enactment
21 of this Act take into account the potential short and long
22 term effects of climate change on such projects.

23 (b) CONSIDERATION.—In carrying out this section,
24 the Secretary shall utilize a representative range of cli-
25 mate change scenarios, including the current analyses of

1 the United States Climate Change Science Program and
2 the Intergovernmental Panel on Climate Change.

3 (c) REPORT TO CONGRESS.—Not later than one year
4 after the date of enactment of this Act, the Secretary shall
5 submit to the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Environment and Public Works of the Senate
8 a report on the implementation of this section.

9 **Subtitle B—Emergency** 10 **Management**

11 **SEC. 731. EFFECTS OF CLIMATE CHANGE ON FEMA PRE-** 12 **PAREDNESS, RESPONSE, RECOVERY, AND** 13 **MITIGATION PROGRAMS.**

14 (a) STUDY.—The Administrator of the Federal
15 Emergency Management Agency shall conduct a com-
16 prehensive study of the increase in demand for the Agen-
17 cy’s emergency preparedness, response, recovery, and miti-
18 gation programs and services that may be reasonably an-
19 ticipated as a result of an increased number and intensity
20 of natural disasters affected by climate change, including
21 hurricanes, floods, tornadoes, fires, droughts, and severe
22 storms.

23 (b) CONTENTS.—The study shall include an analysis
24 of the budgetary and personnel needs of meeting the in-

1 creased demand for Agency services referred to in sub-
2 section (a).

3 (c) REPORT.—Not later than one year after the date
4 of enactment of this Act, the Secretary shall submit to
5 the Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on
7 Homeland Security and Governmental Affairs of the Sen-
8 ate a report and any legislative recommendations on the
9 study conducted under this section.

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