Beginning on page 112, strike line 3 and all that follows through page 116, line 16. On page 150, strike lines 15 through 23 and insert the following:

(3) Increase the quantity of offset allowances

Beginning on page 424, strike line 4 and all that follows through page 425, line 25, and insert the following:

SEC. 1311. SENSE OF SENATE REGARDING ENCOURAGEMENT OF INTERNATIONAL EFFORTS TO REDUCE GREENHOUSE GAS EMISSIONS FROM DEFORESTATION.

(a) FINDINGS.—The Senate finds that:

(1) tropical deforestation accounts for 20 percent of the global total of human-caused greenhouse gas emissions each year;

(2) efforts to greatly reduce global tropical deforestation are important to stabilizing global atmospheric greenhouse gases at levels that would avoid dangerous anthropogenic interference with the climate system;

(3) the Federal Government supports efforts to preserve and restore global forest ecosystems as part of a coordinated effort to respond to global warming;

(4) notwithstanding the desirability of reducing tropical deforestation as part of a global warming program, there remain a large number of unresolved issues surrounding the international offsets used as a means for ensuring actual reductions in greenhouse gases;

(5) the integrity of the emission reductions reported under a cap-and-trade program under this Act would be strengthened if international forestry projects were not pursued as offsets; and

(6) it is desirable to ensure a global funding stream sufficient to reduce global deforestation rates.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in recognition of the importance of international forest protection to stabilizing global climate, Congress should develop a mechanism to encourage international efforts to reduce greenhouse gas emissions from deforestation.

On page 426, line 10, strike “sections 1313 and 1514” and insert “section 1313.”

Beginning on page 430, strike line 1 and all that follows through page 437, line 16.

SA 4864. Mr. CORKER (for himself, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 16 and 17, insert the following:

(1) CLIMATE TAX REFUND FUND.—The term “Climate Tax Refund Fund” means the fund established by section 581.

On page 159, strike lines 3 through 18 and insert the following:

The Administrator shall deposit the proceeds from each cost-containment auction in the Climate Tax Refund Fund for use in accordance with section 584.

On page 161, lines 12 and 13, strike “Change Worker Training and Assistance” and insert “Tax Refund.”

On page 161, line 16, strike “Change Worker Training and Assistance” and insert “Tax Refund.”

In the heading of the right column of the table contained on page 162, after line 17, strike “Change Worker Training and Assistance” and insert “Tax Refund”.

On page 163, lines 4 and 5, strike “Change Worker Training and Assistance” and insert “Tax Refund.”

On page 164, strike line 21 and all that follows through page 163, line 3; strike page 201, line 22, strike “Change Consumer Assistance” and insert “Tax Refund”.

On page 202, strike lines 3 and 4 and insert the following:

(b) and (c) in addition to other auctions conducted pursuant to this Act, to raise funds for deposit in the Climate Tax Refund Fund, for each of calendar year.

On page 202, line 11, strike “Change Consumer Assistance” and insert “Tax Refund.”

On page 204, lines 1 and 2, strike “Change Consumer Assistance” and insert “Tax Refund.”

On page 204, strike lines 3 through 14 and insert the following:

SEC. 584. USE OF AMOUNTS IN CLIMATE TAX REFUND FUND.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED COUPLE.—The term “qualified couple” means a married couple the combined annual income of which does not exceed $300,000.

(2) QUALIFIED INDIVIDUAL.—The term “qualified individual” means an individual whose annual income of whom does not exceed $150,000.

(b) REIMBURSEMENTS.—The Administrator shall establish, by regulation, a program under which, for each calendar year 2026 through 2050, the Administrator, in consultation with the Secretary of the Treasury, shall use amounts deposited in the Climate Tax Refund Fund for the calendar year to provide to qualified couples and qualified individuals reimbursement in an amount described in subsection (c).

AMOUNTS.—For each calendar year described in subsection (b), the amount of reimbursement paid to each qualified couple and each qualified individual shall be determined proportionately, so that the total amount in the Climate Tax Refund Fund for the calendar year.

Beginning on page 204, strike line 22 and all that follows through page 217, line 4, and insert the following:

SEC. 601. ASSISTING ENERGY CONSUMERS.

(a) AUCTION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall auction 12.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2023, the Administrator shall auction 12.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall auction 12.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to section 201(a) in the Climate Tax Refund Fund, for use in accordance with section 584.
On page 217, strike lines 8 through 16 and insert the following:

(1) In general.—Not later than 330 days before the beginning of each calendar year,
and through 2050, the Administrator shall auction a percentage of the quantity of
emission allowances established pursuant to section 201(a) for the applicable calendar
year, in accordance with the table contained in paragraph (2).

On page 217, line 19, strike “allocate to States described in” and insert “auction under”.

In the heading of the right column of the table contained on page 217, after line 21, strike “in
States relying heavily on manufacturing and on coal” and insert “auction”.

Beginning on page 218, strike line 1 and all that follows through page 222, line 4, and
insert the following:

(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions
conducted pursuant to subsection (a) in the Climate
Tax Refund Fund, for use in accordance with section 584.

Beginning on page 222, strike line 8 and all that follows through page 222, line 11, and
insert the following:

SEC. 611. MASS TRANSIT.

(a) Auction of Allowances.—In accordance with subparagraphs (b) and (c), for each
of calendar years 2012 through 2050, the Administrator shall auction a quantity of the
emission allowances established pursuant to section 201(a) for each calendar year.

(b) Number; Frequency.—For each cal-

ender year during the period described in
subsection (a), the Administrator shall:

(1) conduct not fewer than 4 auctions; and
(2) schedule the auctions in a manner to ensure that:

(A) each auction takes place during the pe-
riod beginning 330 days before, and ending 60
days before, the beginning of each calendar year; and
(B) the interval between each auction is of
equal duration.

(c) Quantities of Emission Allowances

Auctioned.—For each calendar year of the
period described in subsection (a), the Admin-
istrator shall auction a quantity of emission
allowances in accordance with the applicable percentages described in the
following table:

Beginning on page 224, strike line 1 and all that follows through page 226, line 25, and
insert the following:

(d) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions con-
ducted pursuant to this section, immediately on receipt of those proceeds, in the Climate
Tax Refund Fund, for use in accordance with section 584.

On page 240, strike lines 5 through 17 and insert the following:

(a) In general.—In accordance with sub-
section (b), for each of calendar years 2012 through 2050, the Administrator shall:

(1) auction 2 percent of the emission allowances

established pursuant to section 201(a) for the calendar year; and
(2) immediately on completion of an auc-
tion, deposit the proceeds of the auction in the Climate
Tax Refund Fund, for use in ac-
cordance with section 584.

On page 241, strike lines 6 through 21 and insert the following:

(a) Auction.—

(1) In general.—Not later than 330 days
before the beginning of each of calendar years
2012 through 2050, the Administrator shall
auction a percentage of the quantity of
emission allowances established pursuant to
section 201(a) for the applicable calendar
year, in accordance with the table contained in paragraph (2).

(2) Percentages for Auction.—For each of calendar years 2012 through 2050, the Admin-
istrator shall auction in accordance with paragraph (1) the percentage of emission al-
lowances specified in the following table:

In the heading of the right column of the table contained on page 241, after line 31, strike “State leaders in reducing greenhouse
gas emissions and improving energy effi-
ciency” and insert “auction”.

Beginning on page 249, strike line 1 and all that follows through page 249, line 9, and
insert the following:

(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions con-
ducted pursuant to this section in the Cli-
mate Tax Refund Fund, for use in accordance with section 584.

On page 249, strike lines 13 through 24 and insert the following:

SEC. 621. Auction.

(a) In general.—Not later than 330 days before the beginning of each of calendar years
2012 through 2050, the Administrator shall auction a percentage of the quantity of
emission allowances established pursuant to section 201(a) for the applicable calendar
year, in accordance with subsection (b).

(b) Percentages for Allocation.—For each of calendar years 2012 through 2050, the Admin-
istrator shall auction in accordance with subsection (a) the per-
centage of the emission allowances specified in the following table:

Beginning on page 250, strike line 3 and all that follows through page 267, line 11, and
insert the following:

SEC. 622. Use of Proceeds.

The Administrator shall deposit all pro-
ceds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate
Tax Refund Fund, for use in accordance with section 584.

Beginning on page 267, strike line 16 and all that follows through page 268, line 19, and
insert the following:

SEC. 631. Auctions.

(a) Auctions.—

(1) In general.—In accordance with para-
graph (2) and subsection (b), for each of calendar years 2012 through 2050, the Admin-
istrator shall auction a percentage of emission allowances established for the calendar year
pursuant to section 201(a) to raise funds for deposit in the Climate Tax Refund Fund.

(2) Number; Frequency.—For each cal-
endar year during the period described in
paragraph (1), the Administrator shall:

(A) conduct not fewer than 4 auctions; and
(B) schedule the auctions in a manner to ensure that:

(i) each auction takes place during the pe-
riod beginning 330 days before, and ending 60
days before, the beginning of each calendar year; and
(ii) the interval between each auction is of
equal duration.

(c) Third Period.

(1) In general.—For each of calendar years
2031 through 2050, the Administrator shall, in
accordance with paragraph (2), auction 1.75 percent of the quantity of emission allow-
ances established pursuant to section 201(a) for the calendar year.

(2) Number; Frequency.—For each cal-
endar year during the period described in
paragraph (1), the Administrator shall:

(A) conduct not fewer than 4 auctions; and
(B) schedule the auctions in a manner to ensure that:

(i) each auction takes place during the pe-
riod beginning 330 days before, and ending 60
days before, the beginning of each calendar year; and
(ii) the interval between each auction is of
equal duration.
EXEC. 1111. AUCTIONS.
(a) General.—For each of calendar years 2012 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.
(b) Number; Frequency.—For each calendar year described in subsection (a), the Administrator shall—
(1) conduct not fewer than 4 auctions; and
(2) schedule the auctions in a manner to ensure that—
(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and
(B) the interval between each auction is of equal duration.
(c) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

EXEC. 1121. AUCTIONS.
(a) General.—For each of the calendar years 2012 through 2050, the Administrator shall auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for each calendar year.
(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

EXEC. 1131. AUCTIONS.
(a) General.—For each of the calendar years 2012 through 2050, the Administrator shall auction 0.5 percent of the quantity of emission allowances established pursuant to section 201(a) for each calendar year.
(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

EXEC. 1201. AUCTIONS.
(a) General.—For each of the calendar years 2012 through 2050, the Administrator shall auction 0.75 percent of the emission allowances specified in the following table:

SEC. 1201B. AUCTIONS.
(a) General.—For each of the calendar years 2012 through 2050, the Administrator shall auction 0.5 percent of the quantity of emission allowances established pursuant to section 201(a) for each calendar year.
(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

EXEC. 1301. AUCTION.
(a) Author.—In accordance with paragraph (2) and subsection (b), for each of calendar years 2012 through 2050, the Administrator shall auction a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year.
(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

EXEC. 1311. AUCTION.
(a) Author.—In accordance with paragraph (2) and subsection (b), for each of calendar years 2012 through 2050, the Administrator shall auction, to raise funds for deposit in the Climate Tax Refund Fund, 0.75 percent of the emissions allowances established pursuant to section 201(a) for each calendar year.
(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

EXEC. 1401. ADDITIONAL AUCTIONS FOR CLIMATE TAX REFUND FUND
(a) General.—For each of the calendar years 2012 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year.
(b) Use of Proceeds.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.
percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that is 3 years after the calendar year during which the auction is conducted.  

(b) SECOND PERIOD—

(1) IN GENERAL.—For each of calendar years 2011 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, to raise funds for deposit in the Climate Tax Refund Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of the calendar year; and

(ii) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately upon receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

SA 4865. Mr. MENENDEZ (for himself, Ms. SNOWE, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, line 21, strike “2 percent” and insert “15 percent”.

On page 198, between lines 16 and 17, insert the following:

(c) LIMITATION.—No emission allowance shall be distributed to an owner or operator of an entity described in section 561(a) under this subtitle if the owner or operator, or the parent company of the owner or operator, has total annual revenue that is equal to or greater than—

(1) in the case of calendar year 2012, $100,000,000,000; and

(2) in the case of each subsequent calendar year, $100,000,000,000, as adjusted to reflect the annual rate of United States dollar inflation for the calendar year as measured by the Consumer Price Index) since calendar year 2012.

On page 443, after line 16, strike the table and insert the following:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for auction for Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1.5</td>
</tr>
<tr>
<td>2013</td>
<td>1.5</td>
</tr>
<tr>
<td>2014</td>
<td>1.75</td>
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<tr>
<td>2015</td>
<td>1.75</td>
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<tr>
<td>2016</td>
<td>1.75</td>
</tr>
<tr>
<td>2017</td>
<td>1.75</td>
</tr>
<tr>
<td>2018</td>
<td>2</td>
</tr>
<tr>
<td>2019</td>
<td>2</td>
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<tr>
<td>2020</td>
<td>2</td>
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<tr>
<td>2021</td>
<td>2</td>
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<td>2028</td>
<td>4</td>
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<tr>
<td>2029</td>
<td>4</td>
</tr>
</tbody>
</table>

SA 4866. Mrs. MURRAY (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 8 and 9, insert the following:

PART I—CLIMATE CHANGE WORKER TRAINING AND ASSISTANCE

On page 181, line 14, insert “and” at the end.

On page 181, strike lines 17 through 19 and insert “ties.”

On page 183, between lines 3 and 4, insert the following:

PART II—WORKFORCE EDUCATION

SEC. 538. CLIMATE CHANGE WORKFORCE EDUCATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Climate Change Workforce Education Fund.”

(b) AUCTIONS.—Annually over the course of at least 4 auctions spaced evenly over a period beginning 330 days before, and ending 60 days before, the beginning of each of calendar years 2012 through 2050, the Administrator shall, for the purpose of raising funds to deposit in the Climate Change Workforce Education Fund, auction a quantity of emission allowances established for that year pursuant to section 201(a) in accordance with the applicable percentages described in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for auction for Climate Change Workforce Education Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1</td>
</tr>
<tr>
<td>2013</td>
<td>1</td>
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<td>2023</td>
<td>2</td>
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<tr>
<td>2024</td>
<td>2</td>
</tr>
</tbody>
</table>

(c) DEPOSITS.—Immediately upon receipt of proceeds from auctions conducted under subsection (b), the Administrator shall deposit all of the proceeds into the Climate Change Workforce Education Fund.

(d) USE OF FUNDS.—

(1) DEFINITION OF CLIMATE CHANGE EDUCATION.—In this subsection, the term “climate change education” means formal and informal learning at all levels about the relevant relationships between dynamic environmental and human systems exemplified by climate change.

(2) USE OF FUNDS.—Subject to the availability of appropriations, funds made available annually under this section shall be allocated to relevant Federal agencies to implement climate change education and related grantmaking programs, with a priority on funding programs authorized by Congress at the maximum authorization. 

Strike the table on page 458, following line 5, and insert the following:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for auction for Deficit Reduction Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>4.75</td>
</tr>
<tr>
<td>2013</td>
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<td>2035</td>
<td>12.75</td>
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<tr>
<td>Calendar year</td>
<td>Percentage for auction of Deficit Reduction Fund</td>
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<tr>
<td>---------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>2036</td>
<td>12.75</td>
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<tr>
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</tbody>
</table>

SA 4867. Mr. KERRY (for himself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, Ms. CANTWELL, Mr. CARPER, Mr. NELSON of Florida, Mr. ROCKEFELLER, Ms. B Cochran, Mr. DURBIN, and Mr. WARNER) submitted an amend-
ment intended to be proposed to amendment SA 4825 proposed by Mrs.
BOXER (for herself, Mr. WARNER, and Mr. LIBERMAN) to the bill S.
3064, to direct the Administrator of the Environ-
mental Protection Agency to estab-
lish a program to decrease emissions of
greenhouse gases, and for other pur-
poses; which was ordered to lie on the
table; as follows:

At the appropriate place, insert the fol-
lowing:

DIVISION I—CLIMATE CHANGE RESEARCH

SEC. 101. SHORT TITLE.
This title may be cited as the “Global
Change Research Improvement Act of 2008.”

SEC. 110. AMENDMENT OF GLOBAL CHANGE RESEARCH
ACT OF 1990.
Except as otherwise expressly provided,
whenever in this subtitle an amendment or
repeal is expressed in terms of an amend-
ment to, or repeal of, a section or other pro-
vision, the reference shall be considered to
be made to a section or other provision of the
Global Change Research Act of 1990 (15
U.S.C. 2921 et seq.).

SEC. 112. CHANGES TO FINDINGS AND PURPOSE.
Section 101 (15 U.S.C. 2931) is amended to
read as follows:

"SEC. 101. PURPOSE.
"The purpose of this title is to provide for
the continuation and coordination of a com-
prehensive and integrated United States ob-
servation, research, assessment, and out-
reach program which will assist the Nation
and the world to better understand, assess,
predict, mitigate, and adapt to the effects of
human-induced and natural processes of
climate change."

SEC. 113. CHANGES IN DEFINITIONS.
(a) In General.—Section 2 (15 U.S.C. 2921)
is amended by redesigning paragraphs (1) through
(6) as paragraphs (2) through (7), respec-
tively;
(2) inserting before paragraph (2), as re-
designated, the following:
"(1) CLIMATE CHANGE.—The term ‘climate change’ means any change in climate over
time, whether due to natural variability or as
a result of human activity."

(b) By striking “Earth and Environmental Sciences” in paragraph (2), as redesignated and
inserting “Global Change Research”;

(c) by striking “Federal Coordinating Council on Science, Engineering, and Tech-
nology;” in paragraph (3), as redesignated, and
inserting “National Science and Technol-
ogy Council established by Executive Order
12881, November 23, 1993;”;

(d) by striking paragraph (4), as redesig-
nated, and inserting the following:
"(4) GLOBAL CHANGE.—The term ‘global change’ means human-induced or natural
change occurring in the global environment in-
cluding climate change and other phenomena af-
flecting land productivity, oceans and coastal
areas, freshwater resources, atmospheric
chemistry, biodiversity, and ecological sys-
tems that may alter the capacity of Earth
to sustain life.”;

and

(6) by striking “National Global Change Research Plan” in paragraph (5) and insert-
ing “National Global Change Research and
Assessment Plan.”;

(b) STYLISTIC CONFORMITY.—Section 2 (15
U.S.C. 2921) is further amended—
(1) by striking “As used in this Act, the term—” and inserting “In this Act—”;
(2) by inserting after the designation of
paragraphs (2), (3), (5), and (7), as redesig-
nated—
(A) a heading, in a form consistent with the
form of the heading of this subsection, con-
structing the term defined by such para-
graph; and
(B) “The term”; and
(3) by striking the semicolon at the end of
paragraphs (2), (3), (5), and (7), as redesig-
nated, and inserting a period; and
(4) by striking “and thereof” in paragraph
(6), as redesignated, and inserting “and thereof”;

SEC. 114. CHANGE IN COMMITTEE NAME AND
STRUCTURE.
Section 102 (15 U.S.C. 2932) is amended—
(1) by striking “EARTH AND ENVI-
RONMENTAL SCIENCES” in the section head-
ing and inserting “GLOBAL CHANGE RESEARCH;”;
(2) by striking “Earth and Environmental
Sciences.” in subsection (a) and inserting
“Global Change Research;”
(3) by striking “under section 401 of the
National Science and Technology Policy,
Organization, and Priorities Act of 1976 (42
U.S.C. 6651)” in subsection (a);
(4) by redesigning paragraphs (14) and
(15) of subsection (b) as paragraphs (15) and
(16), respectively, and inserting after para-
graph (16) the following:
"(14) the National Institute of Standards and
Technology of the Department of Com-
cer’e;"
(5) by striking the last sentence of subsec-
tion (b) and inserting “The representa-
tives shall be the Deputy Secretary or the
Deputy Secretary’s designee (or, in the case
of an agency other than a department, the
deputy head of that agency or the deputy’s
designee).”; and
(6) by striking subsection (d) and inserting
the following:
"(d) SUBCOMMITTEES AND WORKING
GROUPS.—The Committee may establish such
additional subcommittees and working groups
to carry out its work as it sees fit.”;
and
(7) by striking “and” after the semicolon in
subsection (e)(6); and
(8) by redesigning paragraph (7) of subsec-
tion (e) as paragraph (8) and inserting after
paragraph (6) the following:
"(7) work with appropriate Federal, State,
regional, and local authorities to ensure that
the Program is designed to produce informa-
tion needed to develop policies to reduce the
impacts of global change; and"

SEC. 115. CHANGE IN NATIONAL GLOBAL CHANGE
RESEARCH PLAN.
Section 104 (15 U.S.C. 2934) is amended—
(1) by striking the section heading and in-
serting the following:
"SEC. 104. NATIONAL GLOBAL CHANGE
RESEARCH AND ASSESSMENT PLAN.";
(2) by redesigning subsections (a) through (f) as subsections (b) through (g), respectively, and inserting before subsection (b), as redesignated, the following:

“(a) STRATEGIC PLAN: REVISED IMPLEMENTATION PLAN—The Chairman of the Council, through the Committee, shall develop a strategic plan for the United States Global Climate Change Research Program for the 10-year period beginning in 2009 and submit the plan to the Congress within 1 year after the date of enactment of the Global Change Research Improvement Act of 2008. The strategic plan shall include a detailed plan for research, assessment, information management, public participation, outreach, and budget and shall be updated at least once every 5 years.

(3) by inserting “and Assessment” after “Research” in subsection (b), as redesignated.

(4) by striking “research.” in subsection (b), as redesignated, and inserting “research and assessment.”

(5) by striking “this title,” in subsection (b), as redesignated, and inserting “the Global Change Research Improvement Act of 2008.”

(6) by inserting “short-term and long-term” before “goals” in paragraph (1) of subsection (c), as redesignated;

(7) by striking “usable information on which to base policy decisions related to” in paragraph (1) of subsection (c), as redesignated, and inserting “information relevant and readily usable by local, State, and Federal decisionmakers, as well as other end-users, for the formulation of effective decisions and strategies for measuring, predicting, mitigating, and adapting to”;

(8) by inserting “development of regional scenarios, assessment of model predictability, assessment of climate change impacts,” after “predictive modeling,” in paragraph (2) of subsection (c), as redesignated;

(9) by striking “priorities;” in paragraph (2) of subsection (c), as redesignated, and inserting “priorities and propose measures to address gaps and growing needs for these activities;”;

(10) by striking paragraphs (6) and (7) of subsection (c), as redesignated, and inserting the following:

“(6) make recommendations for the coordination of the global change research and assessment activities of the United States with such other Nation and international organizations, including—

“(A) a description of the extent and nature of international cooperative activities;

“(B) how international efforts to provide worldwide access to scientific data and information, and proposals to improve such access and build capacity for its use; and

“(C) improving participation by developing Nations in international global change research and environmental data collection;”

“(7)STRATEGIC REQUIREMENTS FOR GLOBAL CHANGE RESEARCH AND ASSESSMENT ACTIVITIES TO BE CONDUCTED UNDER THE PLAN—(A) include a process for identifying information needed by appropriate Federal, State, regional, and local decisionmakers to develop policies to plan for and address projected impacts of global change;

“(B) implement and sustain the observing systems currently employed in collecting data relevant to global and regional climate change research and prioritize additional observing systems that may be needed to ensure adequate data collection and monitoring of global change;

“(C) identify existing capabilities and gaps in national and regional climate change detection and scenario-based modeling capabilities for forecasting and projecting climate impacts at local and regional levels, and propose measures to address such gaps;

“(D) describe specific activities designed to facilitate outreach and data and information exchange between the United States, and local governments and other user communities;

“(E) identify and describe ecosystems and geographic regions of the United States that are likely to incur similar impacts of global change or are likely to share similar vulnerabilities to global change; and

“(F) include such additional matter as the Committee determines to be warranted.

(11) by striking paragraphs (1) and (2) of subsection (d), as redesignated, and inserting the following:

“(1) Global and regional research and measurements to understand the nature of and interaction among physical, chemical, biological, land use, and social processes responsible for changes in the Earth system on all relevant spatial and time scales.

“(2) Development of indicators, baseline databases, and ongoing monitoring to document global change, including changes in species distribution and behavior, changes in oceanic and atmospheric chemistry, extent of ice sheets, glaciers, and snow cover, shifts in water distribution and abundance, and changes in sea level.

“(12) by adding at the end of subsection (d), as redesignated, the following:

“(8) Address emerging priorities for climate change science, such as ice sheet melt and movement, the relationship between climate change and hurricane and typhoon development, including intensity, track, and frequency, decreasing water levels in the Great Lakes, and droughts in the western and southeastern United States.

“(9) Methods for integrating information to provide predictive and other tools for planning and decisionmaking by governments, communities and the private sector.

“(13) by striking “and” in paragraph (2) of subsection (e), as redesignated, and inserting “priorities and propose measures to address gaps and growing needs for these activities;”;

“(14) by striking paragraphs (3) and (4) of subsection (e), as redesignated, and inserting the following:

“(3) combine and interpret data from various sources to produce information readily usable by local, State, and Federal policy-makers, and other end-users, attempting to formulate effective decisions and strategies for mitigating and adapting to the effects of global change;

“(4) establish a common assessment and modeling framework, with large-scale models that may be used in both research and operations to predict, predict, and assess the vulnerability of natural and managed ecosystems and of human society in the context of other environmental and social changes.”; and

“(16) by striking subsection (f), as redesignated, and inserting the following:

“(1) NATIONAL RESEARCH COUNCIL EVALUATION.—

“(1)(I) REVIEW OF STRATEGIC PLAN.—The Chairman of the Council shall enter into an agreement with the National Research Council under which the National Research Council shall

“(I) evaluate the scientific content of the Plan;

“(II) provide information and advice obtained from United States and international sources, and recommended priorities for future research, for integrating climate research and assessment; and

“(II) address such other studies on emerging priorities as the Chairman determines to be warranted.

“(2) ADDITIONAL NATIONAL RESEARCH COUNCIL STUDIES.—The Chairman shall execute an agreement with the National Research Council—

“(A) to examine existing research, potential risks (including adverse impacts to the marine environment), the effectiveness and ocean iron fertilization or other coastal and ocean carbon sequestration technologies; and

“(B) to identify domestic and international regulatory mechanisms and regulatory gaps for controlling the deployment of such technologies and provide recommendations for addressing such regulatory gaps.

SEC. 118. INTEGRATED PROGRAM OFFICE.

Section 105 (15 U.S.C. 2935) is amended—

(1) by redesigning subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively, and

(2) by inserting before subsection (b), as redesignated, the following:

“(a) GLOBAL CHANGE RESEARCH COORDINATION OFFICE.—

“(1) IN GENERAL.—The President shall establish a Global Change Research Coordination Office. The Office shall have a director, who shall be a senior scientist or other qualified professional with research expertise in climate change science, as well as experience in policymaking, planning, or resource management, and a fulltime staff. The Office shall—

“(A) manage, in conjunction with the Committee, the appropriation, coordination and program integration of global change research activities and budget requests;

“(B) ensure that the activities and programs of each Federal agency or department participating in the Program address the goals and objectives identified in the strategic research plan and interagency implementation plans;

“(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the strategic and implementation plans for the Program;

“(D) review, solicit, identify, and arrange funding for partnership projects that address critical research objectives or operational goals of the Program, including projects that would fill research gaps identified by the Program, and for which project resources are identified among at least 2 agencies participating in the Program;

“(E) review and provide recommendations, in conjunction with the Committee, on all interagency appropriations from Federal agencies or departments participating in the Program;

“(F) provide technical and administrative support to the Committee; and

“(G) serve as a point of contact on Federal climate change activities for government organizations, academia, industry, professional societies, State climate change programs, interested citizen groups, and others to exchange technical and programmatic information; and

“(H) conduct public outreach, including dissemination of findings and recommendations of the Committee, as appropriate.

“(2) FUNDING.—The Office may be funded through interagency funding in accordance with section 631 of the Treasury and General Government Appropriations Act, 2003 (Pub. L. 108-7; 117 Stat. 471).

Within 90 days after the date of enactment of the Global Change Research Improvement Act of 2008, the Director of the Office of Science and Technology Policy shall—

(A) determine which agencies may be funded through interagency funding in accordance with section 631 of the Treasury and General Government Appropriations Act, 2003 (Pub. L. 108-7; 117 Stat. 471).

The report shall include—

“(A) the amount of funding required to adequately fund the Office; and
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Section 122. Aging workforce issues program.

The Administrator of the National Oceanic and Atmospheric Administration shall implement a program to address aging workforce issues in climate science, global change, and other focuses of NOAA research that—

(1) documents technical and management experiences before senior employees leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons learned;

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons and experiences; and

(E) providing for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

Section 123. Authorization of appropriations.

There are authorized to be appropriated for the purpose of carrying out this title such sums as may be necessary for fiscal years 2009 through 2013. Of the amounts appropriated for each fiscal year—

(1) $4,000,000 shall be made available to the Global Change Research Coordination Office through the Office of Science and Technology Policy for each of such fiscal years; and

(2) such sums as may be necessary shall be made available to—

(A) the National Oceanic and Atmospheric Administration for each of such fiscal years;

(B) the National Science Foundation for each of such fiscal years; and

(C) the National Aeronautics and Space Administration for each of such fiscal years.

SEC. 124. Program. The term ‘Program’ means the National Climate Program.

SEC. 125. Secretary. The term ‘Secretary’ means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.
(9) SERVICE.—The term ‘Service’ means the National Oceanic and Atmospheric Administration’s National Climate Service.”.

SEC. 13. NATIONAL CLIMATE SERVICE.

The Administrator shall, by striking subsections 7 and 8 (15 U.S.C. 2906 and 2907, respectively) and inserting after section 5 the following:

“SEC. 6. NATIONAL CLIMATE SERVICE.

(a) 3

(1) IN GENERAL.—The Secretary shall establish within the National Oceanic and Atmospheric Administration a National Climate Service not later than a year after the date of the enactment of the Global Change Research Improvement Act of 2008. The Service shall include a national center and a network of observing systems, and modeling capabilities for monitoring, data, information, and products that accurately reflect climate trends and conditions.

(2) DUTIES.—The Service shall produce and deliver authoritative, timely and usable information and data related to climate variability, trends, and impacts on local, State, regional, national, and global scales.

(3) SPECIFIC SERVICES.—The Service, at a minimum, shall:

(A) provide comprehensive and authoritative information about the state of the climate and its effects, through observations, monitoring, data, information, and products that accurately reflect climate trends and conditions;

(B) provide predictions and projections on the future state of the climate in support of adaptation, preparedness, attribution, and mitigation;

(C) exercise appropriate research from the United States Global Change Research Program activities and conduct focused research, as needed, to enhance understanding, information and predictions of the current and future state of the climate and its impacts that is relevant to policy, planning, and decision making;

(D) utilize assessments from the Global Change Research Program activities and conduct focused assessments as needed to enhance understanding of the impacts of climate change and climate variability;

(E) assess and strengthen delivery mechanisms for providing climate information to end users;

(F) communicate climate data, conditions, predictions, projections, indicators, and risks on an ongoing basis to decision-makers and policymakers, the private sector, and to the public;

(G) coordinate and collaborate on climate change, climate variability, and impacts activities with Federal agencies, States, Indian tribes, non-governmental organizations, the private sector and the academic community to ensure—

(I) that the information requirements of these groups are well incorporated; and

(II) timely and full sharing, dissemination and use of climate information and services in risk preparedness, planning, decision making, and early warning and natural resource management, both domestically and internationally;

(H) develop standards, evaluation criteria and performance objectives to ensure that the Service meets the evolving information needs of the public, policy makers and decision makers in the face of a changing climate;

(I) develop funding estimates to implement the plan; and

(J) support competitive research programs that will improve elements of the Service described in this Act through the Climate Program Office within the Service.

(c) COORDINATION WITH THE USGCRP.—

The Service shall utilize appropriate research from Global Change Research Program activities to enhance understanding, information and predictions of the current and future state of the climate and its impacts that is relevant to policy and decisions. The Service shall provide appropriate information about the current and future state of the climate and its impacts that are relevant to policy and decisions. The Service shall be within and responsible to the legislative branch of the Government.

“SEC. 7. CONTRACT AND GRANT AUTHORITY.

“Functions vested in any Federal officer or agency by this Act or under the Program shall be exercised through persons and personnel of the agency involved or, to the extent provided or approved in advance in appropriation Acts, by other persons or entities under contracts or other agreements entered into by such officer or agency.

“SEC. 8. ANNUAL REPORT.

The Secretary shall prepare and submit to the appropriate congressional committees an annual report to meet the requirements of section 102(e)(7) of the Global Change Research Act of 1990 (15 U.S.C. 2932(e)(6)), a report on the activities conducted pursuant to this Act during the preceding fiscal year, including—

(1) a summary of the achievements of the National Climate Service during the previous fiscal year;

(2) an analysis of the progress made toward achieving the goals and objectives of the Service;

(3) REAUTHORIZATION.

Subsection (a) of section 11 (15 U.S.C. 2908), as redesignated and amended by section —105 and —107 of this division, respectively, is amended to read as follows:

“(a) NATIONAL CLIMATE SERVICE.—There are authorized to be appropriated to the Secretary to carry out sections 6, 7, and 8 of this Act—

(1) $300,000,000,000 for fiscal year 2009;

(2) $350,000,000,000 for fiscal year 2010;

(3) $400,000,000,000 for fiscal year 2011;

(4) $450,000,000,000 for fiscal year 2012; and

(5) $500,000,000,000 for fiscal year 2013.”.

SUBTITLE C—TECHNOLOGY ASSESSMENT

SEC. 141. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

“TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE

SEC. 701. ESTABLISHMENT.

There is hereby created a Science and Technology Assessment Service which shall be within and responsible to the legislative branch of the Government.
SEC. 702. COMPOSITION.

The Service shall consist of a Science and Technology Board which shall formulate and promulgate the policies of the Service, and a Director, appointed by the President, and shall coordinate and administer the operations of the Service.

SEC. 703. FUNCTIONS AND DUTIES.

The Service shall coordinate and develop informational and research activities relating to the uses and application of technology to address current national science and technology policy issues. In developing such technical assessments, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

SEC. 704. INITIATION OF ACTIVITIES.

"Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

(1) the Chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party; and

(3) the Director."
Manufacturing Extension Partnership Program, may develop a program to support the implementation of new “green” manufacturing technologies and techniques by the more than 380,000 small business manufacturers.

SEC. 155. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this title and section 17 of the National Institute of Standards and Technology Act, as added by section 153 of this title, $15,000,000 for each of fiscal years 2009 through 2013.

SUBTITLE E—ABRUPT CLIMATE CHANGE

SEC. 161. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

SEC. 162. PURPOSES OF PROGRAM.

The purposes of the program are—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate such mechanisms into advanced geophysical models of climate change; and

(4) to test the output of such models against an improved global array of records of past abrupt climate changes.

SEC. 163. ABRUPT CLIMATE CHANGE DEFINED.

In this title, the term “abrupt climate change” means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

SEC. 164. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2013, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required by section 161 of this title.

TITLE II—CLIMATE CHANGE ADAPTATION

SEC. 201. SHORT TITLE.

This title may be cited as the “Climate Change Adaptation Act”.

SEC. 202. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, an existing provision of law, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 203. DEFINITIONS.

Section 4 (15 U.S.C. 2903) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

“(2) COASTAL STATE.—The term ‘coastal state’ has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).”

SEC. 204. NATIONAL CLIMATE PROGRAM ELEMENTS.

Section 5 (15 U.S.C. 2904) is amended to read as follows:

“SEC. 5. NATIONAL CLIMATE PROGRAM.

(a) ESTABLISHMENT.—There is hereby established a National Climate Program.

(b) PROGRAM ELEMENTS.—

(1) IN GENERAL.—The Program shall include—

(I) a strategic planning process to address the impacts of climate change within the United States; and

(II) a National Climate Service to be established within the National Oceanic and Atmospheric Administration.

(2) BUDGET.—The President shall—

(I) develop the 5-year plans described in section 9;

(II) define the roles in the Program of Federal officers, departments, and agencies, including the Departments of Agriculture, Commerce, Defense, Energy, Interior, State, and Transportation, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Council on Environmental Quality, the National Science Foundation, and the Office of Science and Technology Policy; and

(III) provide for Program coordination.”.

SEC. 205. NATIONAL CLIMATE STRATEGY.

The Act is amended—

(1) by redesignating section 9 as section 11; and

(2) by inserting after section 8 the following:

“SEC. 9. NATIONAL STRATEGIC PLAN FOR CLIMATE CHANGE ADAPTATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Climate Change Adaptation Act, the President shall provide to the Congress a 5-year national strategic plan to address the impacts of climate change within the United States. The President shall provide a mechanism consisting with States and local governments, the private sector, universities, and other nongovernmental entities in developing the plan. The plan shall be updated at least every 5 years.

(b) CONTENTS OF PLAN.—The plan shall, at a minimum—

(1) identify existing Federal requirements, protocols, and capabilities for addressing climate change impacts on federally managed resources and with respect to Federal action; and

(2) identify measures to improve such capabilities and the utilization of such capabilities;

(3) include guidance for integrating the consideration of the impacts of climate change on federally-managed resources, and in Federal actions and policies, consistent with existing authorities;

(4) address vulnerabilities and priorities identified through the assessments carried out under the Global Change Research Act of 1990 and this Act;

(5) establish a mechanism for the exchange of information related to addressing the impacts of climate change with, and provide technical expertise to, and other local governments and nongovernmental entities;

(6) recommend specific partnerships with State and local governments and nongovernmental entities to support and coordinate implementation of the plan;

(7) include implementation and funding strategies for short-term and long-term actions that may be taken at the national, regional, State, and local level, taking into account existing planning and other requirements;

(8) establish a process to develop more detailed agency and department-specific plans;

(9) identify opportunities to utilize observations from both ground-based and remote sensing platforms and other geospatial technologies to improve planning for adaptation to climate change impacts;

(10) identify existing legal authorities and additional authorities necessary to implement the plan;

(11) identify existing high resolution elevation data and bathymetry data that have developed a prioritized plan for filling existing gaps; and

(12) include appropriate steps for partnership with international organizations and foreign governments on international activities to address climate change impacts, including the sharing of technical assistance and capacity-building expertise.

(c) INTERIM ACTIVITIES.—Nothing in this section shall be construed to prevent any Federal agency or department from taking climate change impacts into account, consistent with its existing authorities, before the requirements of this section are implemented. Federal agencies are encouraged to take climate change into account under all existing relevant authorities to the maximum extent practicable and consistent with those authorities.

(d) COORDINATION.—The President shall ensure that the mechanism to provide information related to addressing the impacts of climate change to State and local governments and nongovernmental entities is appropriately coordinated or integrated with existing programs that provide similar information on climate change predictions.

(e) RELATIONSHIP TO OTHER AUTHORITY—Nothing in this section supersedes any Federal authority in effect on the date of enactment of the Climate Change Adaptation Act or creates any new legal right of action.

SEC. 10. OCEAN AND COASTAL VULNERABILITY AND ADAPTATION.

(a) COASTAL AND OCEAN VULNERABILITY.—

(1) IN GENERAL.—Within 2 years after the date of enactment of the Climate Change Adaptation Act, the President shall take into account the information and assessments being developed pursuant to the Global Change Research Program. The regional assessments shall include an evaluation of—

(A) observed and projected physical, biological, and ecological impacts, such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion, and coastal acidification including—

(1) alteration of ecological communities, including at the ecosystem or watershed levels;

(2) FACTORS.—In preparing the regional coastal assessments, the Secretary shall take into account the information and assessments being developed pursuant to the Global Change Research Program. The regional assessments shall include an evaluation of—

(1) observed and projected physical, biological, and ecological impacts, such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion, and coastal acidification including—

(2) pertinent State and local governments and nongovernmental entities to support and coordinate implementation of the plan;

(3) coordinate and support regional assessments of the vulnerability of coastal and ocean areas and resources, including living marine resources, to hazards associated with climate change and ocean acidification including—

(A) variations in sea level including long-term sea level rise;

(B) fluctuation of Great Lakes water levels;

(C) increases in severe weather events;

(D) natural hazards and events including storm surge, precipitation, flooding, inundation, drought, and fire;

(E) changes in sea ice;

(F) changes in ocean currents impacting global heat transfer;

(G) increased salination due to coastal erosion;

(H) shifts in the hydrological cycle; and

(2) alteration of ecological communities, including at the ecosystem or watershed levels.

(2) FACTORS.—In preparing the regional coastal assessments, the Secretary shall take into account the information and assessments being developed pursuant to the Global Change Research Program. The regional assessments shall include an evaluation of—

(1) observed and projected physical, biological, and ecological impacts, such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion, and coastal acidification including—

(2) (G) increased siltation due to coastal erosion;

(3) (H) shifts in the hydrological cycle; and

(4) (I) alteration of ecological communities, including at the ecosystem or watershed levels.
“(B) social and cultural impacts associated with threats to and potential losses of housing, communities, recreational opportunities, aesthetic values, and infrastructure; and

“(C) economic impacts on local, State, and national economies, including the impact on abundance or distribution of economically important or irreplaceable resources.

“(3) Updates.—The Secretary shall update such assessments at least once every 5 years.

“(b) Coastal and Ocean Adaptation Plan.—The plan shall (1) identify, including habitat protection and governmental organizations; (2) lateral agreements necessary to effectively manage marine ecosystems as they cope with increased ocean acidification; (3) mitigation incentives such as rolling Federal flood insurance program modifications; (4) areas that have been identified as high risk through mapping and assessment; (5) areas with the potential for coastal flooding; (6) coastal hazards protocols to reduce the risk of property loss and property, and reduce threats to public health and a process for evaluating the implementation of such protocols; (7) strategies to address impacts on critical biological and ecological processes, giving priority to the most vulnerable natural resources and communities; (8) proposals to integrate measures into the actions and policies of the National Oceanic and Atmospheric Administration and other Federal agencies, as appropriate; (9) a plan for data collection, observations, research, modeling, assessment and information products, environmental data stewardship, and development of technologies and capacity building to support such plans; (10) a plan for data access and archive, and processes for sharing data and information for addressing such impacts; (11) plans to pursue bilateral and multilateral agreements necessary to effectively address such impacts; (12) partnerships with States and non-governmental organizations; (13) methods to mitigate the impacts identified, including habitat protection and restoration measures; and (14) funding requirements and mechanisms.

“(c) Technical Planning Assistance.—The Secretary shall provide grants of financial assistance to coastal states with federally approved coastal zone management programs to develop and begin implementing coastal and ocean adaptation programs.

“(d) State Hazard Mitigation Plans.—Plans developed by States pursuant to this section shall include, at a minimum, recommendations regarding—

“(1) Federal flood insurance program modifications;

“(2) areas that have been identified as high risk through mapping and assessment;

“(3) mitigation incentives such as rolling Federal flood insurance program modifications; and

“(4) land and property owner education;

“(5) economic planning for small communities dependent upon affected coastal and ocean resources, including fisheries;

“(6) coastal hazards protocols to reduce the risk of property loss and property, and reduce threats to public health and a process for evaluating the implementation of such protocols;

“(7) strategies to address impacts on critical biological and ecological processes, giving priority to the most vulnerable natural resources and communities;

“(8) proposals to integrate measures into the actions and policies of the National Oceanic and Atmospheric Administration and other Federal agencies, as appropriate;

“(9) a plan for data collection, observations, research, modeling, assessment and information products, environmental data stewardship, and development of technologies and capacity building to support such plans; (10) a plan for data access and archive, and processes for sharing data and information for addressing such impacts; (11) plans to pursue bilateral and multilateral agreements necessary to effectively address such impacts; (12) partnerships with States and non-governmental organizations; (13) methods to mitigate the impacts identified, including habitat protection and restoration measures; and (14) funding requirements and mechanisms.

“(c) Technical Planning Assistance.—The Secretary shall provide grants of financial assistance to coastal states with federally approved coastal zone management programs to develop and begin implementing coastal and ocean adaptation programs.

“(b) Allocation of Funds.—The Secretary shall distribute grant funds under subsection (a) to the Secretary for the coastal and ocean adaptation from the Regional Coastal and Ocean Acidification Program established by this Act, adjusted in consultation with the States necessary to provide assistance to particular coastal and ocean adaptation plans that will be made available to coastal States for the purposes of developing their own coastal plans.

“§ 306. Coastal and Ocean Adaptation Grants.

“The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by added at the end the following:

“§ 320. Climate Change Adaptation Plans.

“The Secretary shall provide grants to States for the purposes of developing their own coastal plans.

“(b) Allocation of Funds.—The Secretary shall distribute grant funds under subsection (a) to the Secretary for the coastal and ocean adaptation from the Regional Coastal and Ocean Acidification Program established by this Act, adjusted in consultation with the States necessary to provide assistance to particular coastal and ocean adaptation plans that will be made available to coastal States for the purposes of developing their own coastal plans.

“(c) Plan Content.—In order to receive financial assistance under this section, a plan must be approved by the Secretary, and be consistent with and further the goals of the coastal and ocean adaptation plan to be developed pursuant to section 10 of the National Climate Change Act of 2009, as amended, and shall include—

“(1) development and coordination of a comprehensive interagency plan to monitor and conduct research on the processes and consequences of ocean acidification on marine ecosystems and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration;

“(2) assessment and consideration of regional and national ecosystem and socio-economic impacts of increased ocean acidification; and

“(3) research on adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

“§ 303. Interagency Committee on Ocean Acidification.

“(a) Establishment.—(1) IN GENERAL.—The President shall establish an interagency committee on ocean acidification.

“(2) Membership.—The committee shall include senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and other Federal agencies as the President considers appropriate.

“(b) Chair.—The committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration unless the chairman or committee chairperson are not available for any reason, in which case the chairperson shall be selected by the Secretary of Commerce.

“(c) Committees.—The committee shall include appropriate Federal agency representatives.

“(d) Frequency of Meetings.—The committee shall meet as necessary to provide assistance to States.

“(e) Reports to Congress.—(1) Strategic Research and Implementation Plan.—The committee shall submit the strategic research and implementation plan, as established by this Act and every 3 years thereafter, the committee shall submit a report to the Secretary for the purposes of achieving the goals and priorities for the interagency research plan developed by the committee under section 304 and recommendations for future funding, including policy recommendations developed as part of this research.

“(2) Grant of Appropriations.—(a) A summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

“(b) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the committee under section 304 and recommendations for future funding, including policy recommendations developed as part of this research.

“§ 304. Strategic Research and Implementation Plan.

“(a) In General.—Within 18 months after the date of enactment of this Act, the committee shall develop a strategic research and implementation plan for coordinated Federal activities. In developing the plan, the committee shall consider reports and studies conducted by Federal agencies and departments, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and other Federal agencies as the President considers appropriate.

“(b) Purpose.—The committee shall oversee the planning, establishment, and coordinated implementation of a plan designed to improve the understanding of the role of increased ocean acidification on marine ecosystems.

“(c) Report to Congress.—(1) Strategic Research and Implementation Plan.—The committee shall submit the strategic research and implementation plan established under section 304 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources.

“(2) Triennial Report.—The committee shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources that includes—

“(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

“(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the committee under section 304 and recommendations for future funding, including policy recommendations developed as part of this research.

“§ 301. Short Title.

“Title III—Ocean Acidification

“§ 302. Purposes.

“§ 303. Interagency Committee on Ocean Acidification.

“§ 304. Strategic Research and Implementation Plan.
other relevant Federal interagency committees.
(b) SCOPE.—The plan shall—
(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve understanding of ocean acidification that will affect marine ecosystems and to assess the potential socio-economic impacts of ocean acidification, including—
(A) effects of atmospheric carbon dioxide on ocean chemistry;
(B) physiological impacts of ocean acidification, including research on—
(i) species, including commercially and recreationally important species, protected, endangered, threatened, and other species, and ecologically important calcifiers that lie at the base of the food chain; and
(ii) physiological changes in response to ocean acidification;
(C) identification and assessment of ecosystems most at risk from projected changes in ocean chemistry, including—
(i) coastal ecosystems, including Great Lakes ecosystems;
(ii) coral reef ecosystems, including deep sea coral ecosystems; and
(iii) polar and subpolar ecosystems;
(D) modeling the changes in ocean chemistry driven by the increases in ocean carbon levels, including ecosystem forecasting;
(E) identification of feedback mechanisms resulting from the ocean chemistry changes such as the decrease in calcification rates in organisms;
(F) socio-economic impacts of ocean acidification, including commercially and recreationally important fisheries and coral reef communities; and
(G) identifying interactions between ocean acidification and other oceanic changes including those associated with climate change;
(2) establish, for the 10-year period beginning in the year it is submitted, goals, priorities, and guidelines for coordinated activities that will—
(A) most effectively advance scientific understanding of the characteristics and impacts of ocean acidification;
(B) provide forecasts of changes in ocean acidification and its consequent impacts on marine ecosystems; and
(C) provide a basis for policy decisions to reduce and manage ocean acidification and its environmental impacts;
(3) provide an estimate of Federal funding requirements for research and monitoring activities; and
(4) identify and strengthen relevant programs and activities of the Federal agencies and departments that would contribute to accomplishing the goals of the plan and prevent unnecessary duplication of efforts, including making recommendations for the use of observing systems and technological research and development.
(c) CONCLUSION.—In developing the plan, the committee may consult with the academic community, States, industry, environmental groups, and other relevant stakeholders.

SEC. 305. NOAA OCEAN ACIDIFICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to implement activities consistent with the strategic research and implementation plan developed by the committee under section 301 that—
(1) includes—
(A) interdisciplinary research among the ocean sciences, and coordinated research and activities to improve understanding of ocean acidification;
(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global ocean observing assets and adding instrumentation and sampling stations as appropriate to the aims of the research program;
(C) research to identify and develop adaptation strategies and techniques for effectively conserving oceanic ecosystems as they cope with increased ocean acidification;
(D) educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;
(E) national public outreach activities to improve the understanding of ocean acidification and its impacts on marine resources; and
(F) coordination of ocean acidification research and monitoring with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific and others;
(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socio-economic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and
(3) incorporates a competitive merit-based grants process for activities conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.
(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, cooperative agreements as may be necessary to carry out the purposes of this title on such terms as the Secretary deems appropriate.

SEC. 306. DEFINITIONS.

In this title:
(1) COMMITTEE.—The term “committee” means the interagency committee on ocean acidification established or designated by the President under section 303(a)(1).
(2) OCEAN ACIDIFICATION.—The term “ocean acidification” means the change in ocean chemistry driven by the increase in ocean carbon levels, and the uptake of chemical inputs from the atmosphere, including anthropogenic carbon dioxide.
(3) PROGRAM.—The term “Program” means the National Oceanic and Atmospheric Administration Ocean Acidification Program established under section 305.
(4) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 307. UTILIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—
(1) $10,000,000 for fiscal year 2009;
(2) $15,000,000 for fiscal year 2010;
(3) $20,000,000 for fiscal year 2011;
(4) $25,000,000 for fiscal year 2012; and
(5) $30,000,000 for fiscal year 2013.
(b) ALLOCATION.—Of the amounts appropriated to the National Oceanic and Atmospheric Administration under subsection (a) for each fiscal year—
(1) 40 percent shall be available to, and retained by, the National Oceanic and Atmospheric Administration for use in carrying out its responsibilities under this title; and
(2) 60 percent shall be transferred by the National Oceanic and Atmospheric Administration in equal amounts to—
(A) the National Science Foundation;
(B) the National Aeronautics and Space Administration;
(C) the United States Fish and Wildlife Service; and
(D) the United States Geological Survey.
(3) Of the amounts made available to carry out this title for any fiscal year, the Secretary, and other departments and agencies to which amounts are transferred under paragraph (2), shall allocate at least 50 percent for competitive grants.

SA 4868. Mr. DOJD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 284, line 7, strike “States as a reward” and insert “States, and the Department of Housing and Urban Development for use in carrying out the HOME Investment Partnership Program established under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.),”.
On page 285, between lines 3 and 4, insert the following:
OS 70, HUD.—The Administrator shall transfer 20 percent of emission allowances established pursuant to section 801 to the Secretary of Housing and Urban Development for use in carrying out the HOME Investment Partnership Program established under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.), for each year from 2012 through 2050, for activities that directly increase the energy efficiency in units assisted with funds made available under this title, including increased building insulation, air sealing, high performance windows, duct sealing, high-efficiency heating and cooling equipment, high-efficiency domestic water heating equipment, high-efficiency lighting systems and improved controls, high-efficiency appliances and renewable energy systems (such as photovoltaic systems), among other purposes.

On page 285, line 4, strike “(c)” and insert “(d)”.

On page 286, line 12, insert “(e)”. and insert “(d)”.

SA 4869. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 17 through 22 and insert the following:
(1) USE OF INTERNATIONAL ALLOWANCES.—
(2) On page 78, line 19, strike “(3)” and “(4)”.
(3) On page 78, line 25, strike “paragraph (2)” and insert “paragraph (1)”.
(4) On page 79, lines 3 and 4, strike “notwithstanding paragraph (1)”.
(5) On page 79, line 24, strike “(3)” and insert “(1)”.
(6) On page 80, line 1, strike “(4)” and insert “(3)”.
(7) On page 80, line 9, strike “within the limitation under paragraph (1)”.

SA 4870. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. LIEBERMAN, and
Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**Subtitle E—Aviation Sector**

**SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.**

(a) In general.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study of greenhouse gas emissions associated with the aviation industry, including—

(i) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(ii) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(iii) a review of existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(iv) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(v) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) Utilization.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(I) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(II) other appropriate Federal agencies and departments.

**SA 4871. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.**

(a) In general.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study of greenhouse gas emissions associated with the aviation industry, including—

(i) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(ii) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(iii) a review of existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(iv) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(v) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) Utilization.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(I) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(II) other appropriate Federal agencies and departments.

Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.**

(a) In general.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study of greenhouse gas emissions associated with the aviation industry, including—

(i) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(ii) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(iii) a review of existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(iv) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(v) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) Utilization.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(I) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(II) other appropriate Federal agencies and departments.

Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.**

(a) In general.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study of greenhouse gas emissions associated with the aviation industry, including—

(i) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(ii) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(iii) a review of existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(iv) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(v) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) Utilization.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(I) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(II) other appropriate Federal agencies and departments.

Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.**

(a) In general.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study of greenhouse gas emissions associated with the aviation industry, including—

(i) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(ii) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(iii) a review of existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(iv) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(v) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) Utilization.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(I) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(II) other appropriate Federal agencies and departments.

Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.**

(a) In general.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study of greenhouse gas emissions associated with the aviation industry, including—

(i) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(ii) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(iii) a review of existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(iv) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(v) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) Utilization.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(I) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(II) other appropriate Federal agencies and departments.
On page 65, line 13, strike “use” and insert “manufacture”.

On page 65, line 16, insert “refined or” before “manufactured”.

SA 4873. Mr. CHAMBLISS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (ii), and (iv), respectively; and

(2) by inserting before the period at the end the following:

"not later than 90 days after the date of enactment of the American Energy Production Act of 2008; and"

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended—

(1) by striking clause (2) and inserting in lieu thereof—

"(2) In carrying out this clause, the President shall consider the offshore administrative boundaries established by the President pursuant to section 11 of the Coastal Zone Management Act of 1972 (40 U.S.C. 1453) of the project involving the use of oil and gas in new producing areas created under section 102 of the Gulf of Mexico Energy Security Act of 2004 (43 U.S.C. 1331 note; Public Law 109-322); or"

Title III—COASTAL POLITICAL SUBDIVISION

The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

(1) within the coastal zone (as defined in section 300 of the Coastal Zone Management Act of 1972 (40 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

(2) not more than 200 nautical miles from the geographic center of any leased tract.

"(2) MORATORIUM AREA.

(A) IN GENERAL.—The term 'moratorium area' means an area designated by the President on the day before the date of enactment of this section.

(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

"(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under this Act.

(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the President pursuant to section 102 of the Gulf of Mexico Energy Security Act of 2004 (43 U.S.C. 1331 note; Public Law 109-322).

(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

"(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

"(1) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;";

"(ii) revenues from civil penalties;";

"(iii) royalties taken by the Secretaries in-kind and not sold;";

"(iv) revenues generated from leases subject to section 8(g); or"

"(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2004 (43 U.S.C. 1331 note; Public Law 109-322); or"

"(C) PETITION FOR LEASING NEW PRODUCING AREAS.

(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A), the Governor of a State with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

"(2) ACTION BY SECRETARY.—Notwithstanding section 118, the Secretary shall approve a reasonable request for a lease after receipt of a petition under paragraph (1) of this subsection if such lease is expected to produce oil and gas in a reasonably large area and are not more than 200 nautical miles from the geographic center of any leased tract.
(c) Disposition of Qualified Outer Continental Shelf Revenues from New Producing Areas.—

(1) IN GENERAL.—Notwithstanding section 9 and any other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to new producing States in accordance with paragraph (2); and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5).

(2) Allocation to New Producing States and Coastal Political Subdivisions.—

(A) Allocation to New Producing States.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations promulgated thereunder.

(i) 75 percent to new producing States in accordance with paragraph (2); and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5).

(B) Payments to Coastal Political Subdivisions.—

(1) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to coastal political subdivisions of the new producing State.

(2) Limitation.—The amount paid to the Secretary by the new coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) Minimum Allocation.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under this subsection for the fiscal year under paragraph (1)(B)(i).

(C) Coming.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph on the day immediately following the applicable fiscal year.

(D) Authorized Uses.—

(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for programs, projects, or activities of the following purposes:

(i) Projects and activities for the purposes of coastal protection, including conserving, restoring, and preserving coastal wetlands.

(ii) Mitigation of damage to fish, wildlife, or natural resources.

(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(v) Planning assistance and the administrative costs of complying with this section.

(B) Limitation.—Not more than 3 percent of the amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in paragraph (4)(B).

(6) Administration.—Amounts made available under paragraph (1)(B) shall—

(A) be made available, without further appropriation, in accordance with this sub-division; and

(B) remain available until expended; and

(C) be in addition to any amounts appropriated under—

(i) other provisions of this Act; and

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l et seq.); or

(iii) any other provision of law.

(d) Disposition of Qualified Outer Continental Shelf Revenues from Other Areas.—The Secretary, subject to the provisions for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.

SEC. 103. CONFORMING AMENDMENT.—

Sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 110-161; 121 Stat. 2118) are repealed.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 111. DEFINITIONS.—

In this subtitle:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area identified as the “1002 Coastal Plain Area” on the map—

(2) FEDERAL AGREEMENT.—The term “Federal Agreement” means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, by the President under section 1105 of title 31, United States Code.

(3) FINAL STATEMENT.—The term “Final Statement” means the final legislative environmental impact statement on the Coastal Plain, dated April 1967, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3141 et seq.).


(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior (or the Secretary’s designee), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—Congress authorizes the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests of all coastal plain owners of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitats, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in order to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3141) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents of title 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668 et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and activities authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(d) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required to—

(i) identify nonleasing alternative courses of action; or

(ii) analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall—

(i) consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.
to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle. (d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—This Act and any subtitle expands or limits any State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, the city of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the public interest will be served by leasing that area of up to such unique character and interest as to require special management and regulatory protection. (B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area comprised of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under paragraph (1) of this section, for oil and gas exploration, development, production, and related activities, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities on the Coastal Plain to exploratory drilling activities that are necessary to protect caribou calving areas and other species of fish and wildlife.

(SEC. 114. GRANT OF LEASES BY THE SECRETARY.)

(a) IN GENERAL.—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 113 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT LEASES.—

(1) IN GENERAL.—No lease issued under this subsection may be sold, exchanged, assigned, or otherwise transferred or disposed of without the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

(SEC. 115. LEASE TERMS AND CONDITIONS.)

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subsection shall—

(1) provide for the payment of a royalty of not less than 16 percent of the amount or value of the production removed or sold from the leased, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, that portion of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain to exploratory drilling activity and production operations; and

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation and liability to another person without the express written approval of the Secretary;

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, use, and the environment;

(2) a plan be implemented to avoid, minimize, or mitigate and (in the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(c) DEVELOPMENT OF THE PLAN.—The Secretary shall develop a plan after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) the City of Kaktovik, Alaska; and

(d) the Coastal Plain Fish and Wildlife Resources, Subsistence Users, and the Environment.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure that the activities conducted on the Coastal Plain under this subtitle are conducted in a

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaskan Corporations that are owned by the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and regulations issued under this subtitle.

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this Act and any subtitle shall be by sealed competitive cash bonus bids.

(d) AVERAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than September 30, 2012, conduct a second lease sale under this subtitle; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 116. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GUIDE AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 112, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and subsistence activities;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in the leasing program by production and support facilities, including airstrips and areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, use, and the environment;

(2) a plan be implemented to avoid, minimize, or mitigate and (in the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) the City of Kaktovik, Alaska; and

(D) the Coastal Plain fish and wildlife resources, subsistence users, and the environment.

(B) the City of Kaktovik, Alaska; and

(C) the Coastal Plain fish and wildlife resources, subsistence users, and the environment.
manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental laws (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, as applicable, to the extent necessary to avoid significant adverse effects on—

(i) the passage of migratory species (such as caribou);

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads.

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(A) would assist in the management of the Arctic National Wildlife Refuge; and

(B) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) use of existing facilities, to the extent necessary to fulfill the environmental purposes of this subtitle;

(iii) based on the administrative record of

(G) reasonable stipulations for protection of cultural and historical resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling operations;

(I) research, monitoring, and reporting requirements; and

(3) that exploration activities (except surface geophysical surveys) will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain;

(4) the coordination of oil and gas activity with other uses of the Coastal Plain;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(D) the use of existing facilities, to the extent necessary to avoid significant adverse effects on—

(2) the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between the Secretary and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After taking into consideration all information, comments, and the Secretary's review of the applicable environmental laws, the Secretary shall take action to—

(A) prohibit on the use of chlorinated solvents;

(B) prohibit on the use of existing facilities, to the extent necessary to avoid significant adverse effects on—

(ii) based on the administrative record of

(C) the use of existing facilities, to the maximum extent practicable; and

(D) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 122 of the Arctic National Wildlife Refuge and National Wildlife Refuge System Conservation Act (16 U.S.C. 3162(4)(A));

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 117. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision;

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 118. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, and transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 119. CONVEYANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 122(2), the State of Alaska shall establish in the treasury of the United States a fund to be known as the “Coastal Plain Local Government Impact Fund.”

(b) USES.—

(1) IN GENERAL.—Any ac-
Aid Assistance Fund” (referred to in this section as the “Fund”).

(2) Deposits.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund each year the amount available under section 122(2)(A).

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the “Governor”) shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration or production of, or oil or gas on the Coastal Plain under this subtitle, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit an application to the Governor, with such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall send to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor may assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) Use of Funds.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas development and exploration on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) programs to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other emergency services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovik Inuit community with funds each year for up to 360 days after the date of the receipt of the administratively complete application, and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) when the information collected under clause (iii) is submitted to—

(I) developers; and

(ii) any appropriate Federal agency.

SEC. 121. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this subtitle shall prohibit the exportation of oil or gas produced under the lease.

SEC. 122. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this subtitle:

(1) 30 percent shall be deposited in the general fund of the Treasury.

(2) The remainder shall be available as follows:

(A) $25,000,000 shall be deposited by the Secretary of the Treasury into the fund created under section 120(a)(1).

(B) The remainder shall be disbursed to the State of Alaska.

Subtitle C—Permitting

SEC. 131. REFINERY PERMITTING PROCESS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b).

(3) PERMIT.—The term “permit” means any permit, license, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term “refiner” means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term “refinery” means—

(i) a facility at which crude oil is refined for transportation fuel or other petroleum products; and

(ii) a coal liquefaction or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term “refinery” includes an expansion of a refinery.

(6) REFINERY EXPANSION.—The term “refinery expansion” means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—

The term “refinery permitting agreement” means an agreement entered into between the Administrator and the State or Indian tribe under subsection (b).

(b) AUTHORITY OF ADMINISTRATOR.—

The Governor of a State or the governing body of an Indian tribe shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the expansion of an existing refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(c) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(d) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(e) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator and the State or governing body of an Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body
of the Indian tribe, 30 days after the expiration of the deadline established under clause (1).
(5) FEDERAL AGENCIES.—Each Federal agency that make any determination that authorizes the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).
(6) Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court in which the refinery is located or proposed to be located.
(7) EFFICIENT PERMIT REVIEW.—In order to reduce the number of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.
(8) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (4), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.
(9) SAVINGS.—Nothing in this subsection affects the operation or implementation of other provisions regarding permits necessary for the construction and operation of a refinery.
(10) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.
(11) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated such sums as are necessary to carry out this subsection.
(12) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects the operation of local governments and the rules or regulations regarding permits necessary for the construction and operation of a refinery. 

Subtitle D—Restoration of State Revenue

SEC. 141. RESTORATION OF STATE REVENUE.

The matter under the heading “ADMINISTRATIVE PROVISIONS” under the heading “BUREAU OF LAND MANAGEMENT” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2010) is amended by striking “to be reduced” and all that follows through “each new application.”

TILE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. DEFINITION OF RENEWABLE BIOMASS.

The term “biomass” means—
(i) nonmerchantable materials or precommercial thinnings that—
(I) are byproducts of preventive treatments, such as trees, wood, brush, chips, and slash, that are removed—
(aa) to reduce hazardous fuels;
(bb) to reduce or contain disease or insect infestation; or
(cc) to restore forest health;
(II) would not otherwise be used for higher-value products; and
(iii) (I) are byproducts of treatments (including prescribed burns) of National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—
(aa) whatever thinnings and
(bb) in accordance with applicable land management plans and the requirements for old-growth maintenance, restoration, and rehabilitation of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or
(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—
(I) renewable plant material, including—
(aa) feed grains;
(bb) other agricultural commodities;
(cc) other plants and trees; and
(dd) algae;
(II) waste material, including—
(aa) crop residue;
(bb) other vegetable waste material (including wood and woody residues); (cc) animal waste and byproducts (including fats, oils, greases, and manure); and
(dd) food waste and yard waste.

SEC. 202. ADDITIONAL MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:
(1) ADVANCED BATTERY.—The term “advanced battery” means an electrical storage device suitable for vehicle applications.
(2) ENGINEERING INTRODUCTION COSTS.—The term “engineering introduction costs” includes the cost of engineering tasks relating to—
(A) incorporation of qualifying components into the design of advanced batteries; and
(B) design of tooling and equipment and developing manufacturing processes and materials for production facilities that produce qualifying components or advanced batteries.

SEC. 142. COMBINED FEE FOR NEW APPLICATIONS FOR PERMITS TO DRILL.

The second undesignated paragraph of section 90 of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking “to be reduced” and all that follows through “each new application.”

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that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term "covered fuel" means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

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

SEC. 213. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1) shall—

(A) contain compliance provisions applicable to refiners, blenders, distributors, and importers, as appropriate, to ensure that—

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

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109-58) (119 Stat. 1087).

(4) APPLICABLE VOLUMES.—

(A) CALENDAR YEARS 2013 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any calendar year 2015 through 2022 shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Applicable volume of clean coal-derived fuel (in billions of gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>0.75</td>
</tr>
<tr>
<td>2016</td>
<td>1.5</td>
</tr>
<tr>
<td>2017</td>
<td>2.25</td>
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<tr>
<td>2020</td>
<td>4.5</td>
</tr>
<tr>
<td>2021</td>
<td>5.25</td>
</tr>
<tr>
<td>2022</td>
<td>6.0</td>
</tr>
</tbody>
</table>

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(b) REQUIREMENTS.—In carrying out the program described in subsection (a), the Assistant Administrator shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolution of storage tank sediments;

(C) blocking of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties relating to low temperatures;

(F) oxidative and thermal instability in long-term storage and use; and

(G) microbial contamination;

(2) problems associated with electrical conductivity;

(3) alternatives to conventional methods for removing water from gasoline and diesel tanks, including tank lining applications;

(4) strategies to minimize emissions from infrastructure;

(5) issues with respect to certification by a nationally recognized testing laboratory of components for fuel-dispensing devises that specifically reference compatibility with alcohol-blended fuels and other biofuels that contain greater than 15 percent alcohol;

(6) challenges for design, reforming, storage, biorefining, and processing hydrogen fuel from various feedstocks, including biomass, from neighborhood fueling stations, including codes and standards development necessary beyond that carried out under section 809 of the Energy Policy Act of 2005 (42 U.S.C. 16158);

(7) issues with respect to at which point in the fuel supply chain additives optimally should be added to fuels; and

(b) other problems, as identified by the Assistant Administrator, in consultation with the Secretary and the National Institute of Standards and Technology.

SEC. 204. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Energy and Natural Resources of the Senate Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall carry out a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol contained therein that are greater than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment;

(7) an evaluation of the impacts of increased use of renewable fuels derived from food crops on the price and supply of agricultural commodities in both domestic and global markets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 205. STUDY OF DIESEL VEHICLE APPLICATION.

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

(1) the environmental and efficiency attributes of diesel-fueled vehicles as the vehicles compare to comparable gasoline fueled, E-85 fueled, and hybrid vehicles;

(2) the technical, economic, regulatory, environmental, and other obstacles to increasing the usage of diesel-fueled vehicles;

(3) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified under paragraph (2); and

(4) the costs and benefits associated with reducing or eliminating the obstacles identified under paragraph (3).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under subsection (a).

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

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Clean Coal-Derived Fuels for Energy Security Act of 2008".

SEC. 212. DEFINITIONS.

In this subtitle—

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term "clean coal-derived fuel" means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility;

(B) INCLUSIONS.—The term "clean coal-derived fuel" may include any other resource that is extracted, grown, produced, or recovered in the United States.

(ii) the expected annual rate of future production of clean coal-derived fuels; and
(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation and economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of determining the applicable percentage for a calendar year, the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—
(i) be applicable to refiners, blenders, and importers, as appropriate; and
(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGE.—
(A) IN GENERAL.—Not later than November 30 of each calendar year 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—
(i) be applicable to refiners, blenders, and importers, as appropriate; and
(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and
(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (1).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall—
(A) prevent the imposition of redundant obligations on any person specified in paragraph (2); and
(B) account for the use of clean coal-derived fuel during the previous calendar year by small refiners that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—
(1) IN GENERAL.—For the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection, the volume of clean coal-derived fuel shall be—
(A) the number of British thermal units of energy produced by the combustion of 1 gallon of clean coal-derived fuel (as measured under conditions determined by the Secretary); and
(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—
(1) IN GENERAL.—The President, in consultation with the Energy Information Administration, shall establish a credit program, under which credits may be issued to refiners, as defined in section 2302(1), for each gallon of covered fuel sold or introduced into commerce in the calendar year 2023 and each calendar year thereafter.

(2) MARKET TRANSPARENCY.—In carrying out the program established under this subsection, the President shall—
(A) maintain a public database with respect to the sale of covered fuel and credits issued under this program, in a manner that ensures transparency; and
(B) require the Administrator of the Environmental Protection Agency to consult with the Secretaries of Energy and Agriculture to develop such a database, in a manner that ensures transparency.

(3) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery wishes to opt in to the program under paragraph (1).

(e) WAIVERS.—(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish a program to provide for temporary or permanent waivers of the requirements of subsection (a) if the President determines that—
(A) the implementation of the requirement would severely harm the economy or environment of the United States; or
(B) extreme and unusual circumstances exist that prevent the furnishing of an adequate supply of domestically produced clean coal-derived fuels to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish a program to provide for temporary or permanent waivers of the requirements of subsection (a) if the President determines that—
(A) the implementation of the requirement would severely harm the economy or environment of the State, a region, or the United States; or
(B) extreme and unusual circumstances exist that prevent the furnishing of an adequate supply of clean coal-derived fuels to consumers in the State, region, or the United States.

(f) SMALL REFINERIES.—
(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—
(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

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

(g) PENALTIES AND ENFORCEMENT.—
(1) CIVIL PENALTIES.—
(A) IN GENERAL.—A person that violates this section shall be liable to the United States for a civil penalty of not more than the total of—
(i) $25,000 for each day of the violation; and
(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

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

(2) INFRASTRUCTURE.—
(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—
(i) restrain a violation of a regulation promulgated under subsection (a); and
(ii) award other appropriate relief; and
(iii) compel the furnishing of information required under the regulation.

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

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

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

SEC. 221. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 533 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2162) is repealed.

Title D—Department of Defense Facilitation of Secure Domestic Fuel Development

SEC. 231. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 252. MULTYIYEAR CONTRACT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PROCUREMENT OF SYNTHETIC FUELS.

(a) MULTYIYEAR CONTRACTS FOR THE PROCUREMENT OF SYNTHETIC FUELS AUTHORIZED.—

(A) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2415r. Multyear contract authority: purchase of synthetic fuels

"(a) MULTYIYEAR CONTRACTS AUTHORIZED.—

The head of an agency may enter into contracts for a period not to exceed 25 years for the purchase of synthetic fuels.

(b) DEFINITIONS.—In this section:

(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

(A) is used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

(B) is produced by chemical or physical transformation of domestic sources of energy.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of
such title is amended by adding at the end the following new item:

"2410r. Multiyear contract authority: purchase of synthetic fuels.";

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations providing that the head of an agency may enter into a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined written—

(1) there is a reasonable expectation that throughout the contemplated period prior to the date of the enactment of this Act, the contract will result in funding at or below the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of synthetic fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority of section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are prescribed.

SA 4875. Mr. DOMENICI (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table as follows:

On page 64, strike lines 6 through 13 and insert the following:

(c) LEGAL STATES OF EMISSION ALLOWANCES.—Noth-

SA 4876. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table as follows:

At the end of the amendment, add the following:

TITLE XVIII—CLEAN ENERGY INVESTMENT BANK

SEC. 1801. SHORT TITLE.

This title may be cited as the "Clean Energy Investment Bank Act of 2008".

SEC. 1802. DEFINITIONS.

In this title:

(A) THE "BANK" means the Clean Energy Investment Bank of the United States established by section 1803(a).

(B) BOARD.—The term "Board" means the Board of Directors of the Bank established under section 1804(b).

(C) CLEAN ENERGY INVESTMENT BANK FUND.—The term "Clean Energy Investment Bank Fund" means the revolving fund account established under section 1806(b).

(D) COMMERCIAL TECHNOLOGY.—The term "commercial technology" means a technology in general use in the commercial marketplace.

(E) ELIGIBLE PROJECT.—The term "eligible project" means a project in a State related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(F) INVESTMENT.—The term "investment" includes any contribution or commitment to an eligible project in the form of—

(1) loans or loan guarantees;

(2) the purchase of equity shares in the project;

(3) participation in royalties, earnings, or profits; or

(4) furnishing commodities, services or other rights under a lease or other contract.

(G) STATE.—The term "State" means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico; and

(4) any other territory or possession of the United States.

SEC. 1803. ESTABLISHMENT OF BANK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch a bank to be known as the "Clean Energy Investment Bank of the United States," which shall be an agency of the United States.

(2) GOVERNMENT CORPORATION.—The Bank shall be—

(A) a Government corporation (as defined in section 103 of title 5, United States Code); and

(B) subject to section 91 of title 31, United States Code, for each day after the date of the enactment of this Act, as the Bank considers appropriate.

(b) REGULATIONS.—The Board shall prescribe regulations to carry out this title.

(c) INCOME.—The Bank shall pay interest on amounts due the Bank from any person, firm, organization, or enterprise in the market sector in accordance with this title.

SEC. 1804. ORGANIZATION AND MANAGEMENT.

(a) STRUCTURE OF BANK.—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board may determine.

(b) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There is established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate referred to in this subsection as "independent directors"; and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) FEDERAL EMPLOYMENT.—An independent director shall not be a officer or employee of the Federal Government at the time of appointment.

(C) POLITICAL PARTY.—Not more than 3 of the independent directors shall be members of the same political party.

(3) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) STAGGERED TERMS.—The terms of not more than 2 independent directors shall expire in any year.

(B) VACANCIES.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) QUORUM.—Four members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRMAN AND VICE CHAIRMAN.—

(A) IN GENERAL.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) ELIGIBILITY.—The Chairman of the Board shall not be an Executive Director of the Board.

(C) COMPENSATION OF MEMBERS.—An independent director shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the
member is engaged in the performance of the duties of the Board.

(7) **Travel Expenses.**—An independent director shall be allowed travel expenses, including the cost of airfare or other means of transportation, and per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home of the business of, or in the performance of the duties of the Board.

(c) **President of the Bank.**—

(1) **Appointment.**—The President of the Bank shall be appointed by the Board.

(2) **Duties.**—The President of the Bank shall—

(A) be the Chief Executive Officer of the Bank; 
(B) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(d) **Executive Vice President.**—

(1) **Appointment.**—The Executive Vice President of the Bank shall be appointed by the Board.

(2) **Duties.**—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(e) **Staff.**—

(1) **In General.**—The Board may—

(A) appoint and terminate such officers, attorneys, agents, and employees as are necessary to carry out this title; and

(B) vest the personnel with such powers and duties as the Board may determine.

(2) **Persons employed by the Bank.**—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(f) **Remuneration.**—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled to a position comparable grade and salary.

(g) **Additional Positions.**—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by section 5108 of title 5, United States Code.

SEC. 1805. **Financing, Guarantees, Insurance, Credit Support, and Other Programs.**

(a) **Intergovernmental Agreements.**—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments (including agencies, instrumentalities, or political subdivisions) or the Federal Government for the sharing of liabilities assumed by providing financial assistance for eligible projects under this title.

(b) **Insurance.**—

(1) **In General.**—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to insured parties against any risk of loss, for purposes of the Bank.

(2) **Duplication of Assistance.**—The Bank shall not offer any insurance products under this subsection that duplicate or augment any other similar Federal assistance.

(c) **Guarantees.**—

(1) **In General.**—The Bank may issue guaranties of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) **Budgetary Treatment.**—Any guaranties issued under this subsection for budgetary purposes, shall be considered a loan guarantee (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for the purpose of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(d) **Loans and Credit Assistance.**—

(1) **In General.**—The Bank may make loans, grants, or other financial assistance, issue guarantees, or purchase, invest in, or otherwise provide other financial assistance for eligible projects, under such terms and conditions as the Bank may determine.

(2) **Duties.**—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) **Eligible Project Development Investment Encouragement.**—The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, if the Board determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) **Investment Functions.**—The Bank may—

(1) using agreements and contracts that are consistent with this title,

(A) make and carry out contracts of insurance, or agreements to associate or share risks with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights; 

(iv) the ceding and acceptance of reinsurance; and

(v) any other matter incident to an insurance business; and

(2) enter into pooling or other risk-sharing agreements with other governmental insurers or financing agencies or groups of those agencies.

(g) **Equity Finance Program.**—

(1) **In General.**—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under which the Bank, through this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, on such terms and conditions as the Board may determine, for the purpose of providing capital for any project that is consistent with this title.

(2) **Total Amount of Equity Investments.**—

(A) **Total Amount of Equity Investment Under Equity Finance Program.**—

(1) **In General.**—Except as provided in clause (ii), the amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 5 percent of the amount of equity investment made with respect to the project at the time at which the equity investment of the Bank is made.

(2) **Defaults.**—Clause (1) shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Bank's investment in the Bank's equity investment in the Bank.

(B) **Total Amount of Equity Investment Under Multiple Programs.**—

(1) **In General.**—The equity investment of the Bank made with respect to any project, when added to any other investments made or guaranteed by the Bank under subsection (c) or (d) with respect to the project, shall not cause the aggregate amount of all investments to exceed, at the time any such investment is made or guaranteed by the Bank, the maximum amount of the total investment committed to the project, as determined by the Bank.

(i) **Conclusive Determination.**—The determination of the Bank under paragraph (i) shall be conclusive for purposes of the authority of the Bank to make or guarantee any investment described in clause (i).

(3) **Additional Criteria.**—In making investment decisions under this subsection, the Bank shall consider the extent to which the equity investment of the Bank will assist in obtaining the financing required for the project.

(4) **Implementation.**—

(A) **In General.**—The Bank may create such legal vehicles as are necessary for implementation of this subsection.

(B) **Non-Federal Borrowers.**—A borrower participating in a legal vehicle created under this paragraph shall be considered a non-Federal borrower for purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(C) **Securities.**—Income and proceeds of investments made under this subsection may be used to purchase equity or quasi-equity securities in accordance with this section.

(h) **Relationship to Federal Credit Reform Act of 1990.**—

(1) **In General.**—Any liability assumed by the Bank under subsections (c) and (d) shall be discharged pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) **Specific Appropriation or Contributions.**—

(A) **In General.**—No loan guaranteed under subsection (c) or direct loan under subsection (d) shall be made unless—

(i) an appropriation for the cost has been made;

(ii) the Bank has received from the borrower a payment in full for the cost of the obligation;

(B) **Budgetary Treatment.**—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661b(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (A) (iv).

(3) **Apportionment.**—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

SEC. 1806. **Issuing Authority; Direct Investment Authority and Reserves.**

(a) **Maximum Contingent Liability.**—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 1805 shall not exceed a total amount of $100,000,000,000.

(b) **Clean Energy Investment Bank Fund.**—

(1) **Establishment.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Clean Energy Investment Bank Fund” (referred to in this section as the “Fund”).

(2) **Use.**—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 1805 (other than sub-sections (c) and (d) of section 1805) until the earlier of—

(A) the date on which all liabilities of the Bank have been discharged or expire; and

(B) the date on which all amounts in the Fund have been expended in accordance with this section.

(3) **Apportionment.**—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the
Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

(b) PAYMENTS OF LIABILITIES.—Any payment made to discharge liabilities arising from agreements under section 1805 (other than subsections (c) and (d) of section 1805) shall be paid by the Bank to the Treasury not later than 1 year after the date of issue of the obligation.

(c) SUPPLEMENTAL BORROWING AUTHORITY.—

(1) IN GENERAL.—In order to maintain sufficient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obligations that shall not exceed $2,000,000,000.

(1) MAXIMUM TOTAL AMOUNT.—The total amount of obligations issued under paragraph (1) that is outstanding at any time shall not exceed $2,000,000,000.

(3) REPLACEMENT.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.

(4) INTEREST RATE.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection.

(5) PURCHASE OF OBLIGATIONS.—

(A) IN GENERAL.—The Secretary of the Treasury—

(i) shall purchase any obligation of the Bank issued under this subsection; and

(ii) for the purchase, may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.

(B) PURPOSES.—The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any purchase under this paragraph.

SEC. 1807. ADMINISTRATION.

(a) PROTECTION OF INTEREST OF BANK.—The Bank shall ensure that suitable arrangements exist for protecting the interest of the Bank and its committees with any agreement issued under this title.

(b) FULL FAITH AND CREDIT.—

(1) OBLIGATION.—A loan guarantee issued by the Secretary of the Treasury shall constitute an obligation, in accordance with the terms of the guarantee, of the United States.

(2) PAYMENT.—The full faith and credit of the United States is pledged for the full payment and performance of the obligation.

(c) FEES.—

(1) IN GENERAL.—The Secretary shall establish and collect fees for services under this title in amounts to be determined by the Bank.

(2) AVAILABILITY OF FEES.—Except as provided in paragraph (3), fees collected by the Bank pursuant to paragraph (1) (including fees collected for administrative expenses in carrying out subsections (c) and (d) of section 1805) by the Bank and may remain available to the Bank, without further appropriation or fiscal year limitation, for payment of administrative expenses incurred in carrying out this title.

(3) FEES TRANSFER AUTHORITY.—Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 16512)) of a loan or other obligation that may be issued under subsection (c) or (d) of section 1805 shall be transferred by the Bank to the respective credit program accounts.

SEC. 1808. GENERAL PROVISIONS AND POWERS.

(a) THE BANK shall—

(1) maintain its principal office in the District of Columbia; and

(2) be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—On appointment of a majority of the Board by the President, all of the functions and authority of the Secretary of Energy of the predecessor programs and authorities similar to those provided under subsections (c) and (d) of section 1805, including those under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), shall be transferred to the Board.

(2) CONTINUATION PRIOR TO TRANSFER.—Until the transfer, the Secretary of Energy shall continue to administer such programs and activities, including programs and authorities under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(c) AUDITS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.

(2) PUBLICATIONS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(A) IN GENERAL.—The Bank shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 years, in accordance with generally accepted Government auditing standards, and shall prepare a financial statement and compliance audit, as issued by the Comptroller General of the United States.

(B) REPORT TO BOARD.—The Board shall report the results of the audit to the Board.

(C) ADOPTION OF ACCOUNTING PRINCIPLES.—The financial statements of the Bank shall be presented in accordance with generally accepted accounting principles.

(D) REPORTS.—

(1) IN GENERAL.—The financial statements and the report of the accountant shall be included in a report that—

(i) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code;

(ii) shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.

(2) REVIEW OF AUDIT.—The Comptroller General of the United States may review the audit conducted by the accountant and the report to Congress in such manner and at such times as the Comptroller General considers necessary.

(3) ALTERNATIVE AUDITS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—The Comptroller General of the United States may, in lieu of the financial and compliance audit required by paragraph (2), conduct an audit of the financial statements of the Bank in the manner provided under paragraph (2).

(B) REIMBURSEMENT.—The Bank shall reimburse the Comptroller General of the United States for the full cost of any audit conducted under this paragraph.

(4) AVAILABILITY OF RECORDS.—All books, accounts, auditors' workpapers, financial statements, reports, files, workpapers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

SEC. 1809. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Congress a complete and detailed report describing the operations of the Bank during the fiscal year.

SEC. 1810. MODIFICATION TO LOAN GUARANTEE PROGRAM.

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

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

"(i) a demonstration plant; or

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

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

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

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

"(B) an appropriation for the cost has been made; or

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

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

(c) RELATION TO OTHER LAWS.—Section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with subchapter I of title 31, United States Code.

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

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 80 percent of the principal and interest due on one or more loans for a facility that are the subject of the guarantee.

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

(d) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) FEES.—Fees collected under this subsection shall—

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

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

SEC. 1811. INTEGRATION OF LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

(1) by striking paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and
by inserting before paragraph (2) (as so redesignated) the following:

“(1) BANK.—The term ‘Bank’ means the Clean Energy Investment Bank of the United States established by section 1803(a) of the Clean Energy Investment Bank Act of 2008.”.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking “Secretary” each place it appears (other than the last place it appears in section 1702(a)) and inserting “Bank”;

(2) CONFORMING AMENDMENTS.—Section 1702(g) of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking “Secretary” and inserting “Bank”; and

(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 1702(a) the authority of the Secretary of Energy to establish the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is more than 50 percent of the balance in the Bank, to remain available until expended, such sums as are necessary to—

(1) implement or increase the Clean Energy Investment Bank Fund; or

(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this title.

(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than $50,000,000 during the fiscal year for which an appropriation is made.

SA 4877. Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 3. SENSE OF SENATE REGARDING THE POTENTIAL IMPACT OF CLIMATE CHANGE ON THE GLOBAL FOOD CRISIS.

(a) FINDINGS.—The Senate finds that—

(1) the costs of addressing climate change will only increase the longer the causes of climate change are not addressed;

(2) the consequences of climate change will include major storms and weather-related disruptions, increased wildfires, and loss of food crops;

(3) the Secretary of Agriculture has determined that climate change is already affecting water resources, agriculture, land resources, and biodiversity, and will continue to do so;

(4) a leading cause of the ongoing global food crisis is heightened volatility in climate conditions leading to extended droughts around the world, particularly in Australia; and

(5) the consequences of increased food prices have already resulted in hunger and political unrest in many parts of the world.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is in the interest of the United States to address in a serious manner the consequences a warming climate will have on global food production; and

(2) as the United States assesses the costs of climate change, the potential of harmful impacts on global crop harvests and resulting food security crises should be fully considered.

(c) REPORT.—Not later than December 31, 2008, the President shall submit to Congress a report that assesses the specific impact of weather-related events on the global food crisis that emerged during the first 180 days of 2008.

SA 4878. Mr. ROBERTS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 5. GUARANTEED PROTECTION OF AMERICAN AGRICULTURAL PRODUCERS FROM FUTURISTIC ENERGY PRICES CAUSED BY THIS ACT.

This Act shall not take effect until the date on which the Secretary of Agriculture, after consultation with the Administrator, determines that the implementation of this Act will not cause the retail price of fertilizer to increase more than 20 percent during the period of effectiveness of this Act.

SA 4879. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Amend the title so as to read: “A bill to promote the energy security of the United States, and for other purposes.”

SA 4880. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. CARPER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, strike line 15 and insert the following:

(c) EDUCATION AND TRAINING.—For each applicable period to support climate change policy and science education in the United States;

As a result of the above, page 185 is increased by 5 lines.

SEC. 536. EDUCATION AND TRAINING.

(a) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) each 5-year period during the period beginning on January 1, 2012, and ending on December 31, 2017; and

(2) the 3-year period beginning on January 1, 2018, and ending on December 31, 2020.

(b) USE OF FUNDS.—Of amounts made available under section 539(c) for the calendar year in each applicable period—

(1) the Secretary shall use such amounts for each applicable period as the Secretary of Energy determines to be necessary to increase the number and amounts of nuclear science talent expansion grants and nuclear science competitiveness grants provided under section 5004 of the America COMPETES Act (42 U.S.C. 16352); and

(2) of the remainder—

(A) 50 percent shall be allocated to the Secretary of Labor, in consultation with nuclear energy workforce development program activities and organized labor, for use for each applicable period to expand work force training to meet the high demand for workers skilled in nuclear power plant construction and operation, including programs for—

(i) electrical craft certification;

(ii) preapprenticeship career technical education and industrial-based training, and associated trades that are useful in the construction of nuclear power plants;

(iii) community college and skill center training for nuclear power plant technicians;

(iv) training of construction management personnel for nuclear power plant construction projects; and

(v) regional grants for integrated nuclear energy workforce development programs; and

(B) 50 percent shall be made available to the Secretary of Education for each applicable period to support climate change policy and science education in the United States.

On page 292, strike line 22 and insert the following:

(c) USE OF FUNDS.—Of amounts made available under section 539(c), the Secretary shall use such amounts for each applicable period as the Secretary of Energy determines to be necessary to—

(1) provide thousands of new, high-paying jobs surrounding communities;

(2) eliminate the use of coal, oil, or gas for electricity generation; and

(3) generate 50 percent of the United States electricity from clean power plants.

SEC. 901. FINDINGS; SENSE OF SENATE.

(a) FINDINGS.—Congress finds that—

(1) more than 40 years of experience in the United States relating to commercial nuclear power plants have demonstrated that nuclear reactors can be operated safely;

(2) in 2007, nuclear power plants produced 19 percent of the electricity generated in the United States;

(3) nuclear power plants are the only base-load source of emission-free electric generation, emitting no greenhouse gases or criteria pollutants associated with acid rain, smog, or ozone;

(4) in 2007, nuclear power plants in the United States—

(A) avoided more than 692,000,000 metric tons of carbon dioxide emissions; and

(B) accounted for more than 73 percent of emission-free electric generation in the United States;

(5) a lifecycle emissions analysis by the International Energy Agency determined that nuclear power plants emit fewer greenhouse gases than wind energy, solar energy, and biomass on a per kilowatt-hour basis;

(6) construction of a new nuclear power plant is estimated to require between 1,400 and 1,800 jobs during a 4-year period, with peak employment reaching as many as 2,400 workers;

(7)(A) once operational, a new nuclear power plant is estimated to provide 400 to 600 full-time jobs for up to five years;

(B) jobs at nuclear power plants pay, on average, 40 percent more than other jobs in surrounding communities;

(8) revitalization of a domestic manufacturing industry to produce nuclear components for new power plants that can be deployed in the United States and exported for use in global carbon reduction programs will provide thousands of new, high-paying jobs and contribute to economic growth in the United States;

(9) data of the Bureau of Labor Statistics demonstrate that it is safer to work in a nuclear power plant than to work in the real estate or financial sectors;

(10) aggressive energy efficiency measures and an increased deployment of renewable generation can and should be taken,
the United States will be unable to meet climate reduction goals without the construction of new nuclear power plants; (11) modeling conducted by the Environmental Protection Agency and the Energy Information Administration demonstrate that emission reductions are greater, and compliance costs are lower, if nuclear power plants are used to provide a greater percentage of electricity; (12) the United States has been a world leader in nuclear science; and (13) investments of higher education in the United States will play a critical role in advancing knowledge about the use and the safety of nuclear energy for the production of electricity. 

(b) SENSE OF SENATE REGARDING USE OF FUNDS.—It is the Sense of the Senate that Congress should stimulate private sector investment in the manufacturing of nuclear project components in the United States, including through the financial incentives program established under this subtitle. 

SEC. 902. DEFINITIONS. 

On page 293, line 10, strike “and”. 

On page 293, line 13, strike the period and insert “; and”. 

On page 293, between lines 13 and 14, insert the following: 

(D) establishing procedures, programs, and facilities to achieve American Society of Mechanical Engineers certification standards. 

On page 294, strike lines 3 and 4 and insert the following: 

(i) emits no carbon dioxide into the atmosphere; or 

(ii) is fossil-fuel fired and— 

(I) emits into the atmosphere not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide from the unit that is geologically sequestered); or 

(bb) meets subbituminous coal, lignite, or petroleum coke in significant quantities; and 

(bb) meets the emission performance standard promulgated pursuant to subsection 1012; and 

On page 294, strike lines 7 through 12 and insert the following: 

(5) ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—The term “zero- or low-carbon generation technology” means— 

(A) a technology used to create zero- or low-carbon generation, including— 

(i) a technology referred to in section 323(a); and 

(ii) nuclear power technology; or 

(B) any other technology relating to a low- or zero-carbon activity that meets the requirements of this subtitle. 

SEC. 903. LOW- AND ZERO-CARBON ELECTRICITY TECHNOLOGY FUND. 

On page 294, line 16, strike “903” and insert “904”. 

On page 297, line 5, strike “904” and insert “905”. 

On page 297, line 7, strike “905” and insert “904”. 

On page 297, line 10, strike “906” and insert “905”. 

On page 297, line 14, strike “904” and insert “905”. 

On page 297, line 18, strike “906” and insert “907”. 

On page 297, line 19, strike “906” and insert “907”. 

On page 298, line 4, strike “907” and insert “908”. 

On page 298, line 17, strike “909” and insert “910”. 

On page 299, line 16, strike “908” and insert “909”. 

On page 301, line 11, strike “909” and insert “910”.

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows: 

On page 31, between lines 9 and 10, insert the following: 

(50) TAP.—The term “TAP” means the technology accelerator payment determined under section 202(a)(2). 

On page 31, line 10, strike “(50)” and insert “(51)”. 

On page 31, line 14, strike “(51)” and insert “(52)”. 

Beginning on page 65, strike line 3 and all that follows through page 66, line 19, and insert the following: 

SEC. 202. COMPLIANCE OBLIGATION. 

(a) SUBMISSION OF ALLOWANCES OR TAP PRICE.— 

(i) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the owner or operator of a covered entity shall submit to the Administrator— 

(A) an emission allowance or an offset allowance for each carbon dioxide equivalent of— 

(1) non-HFC greenhouse gas that was emitted by that covered entity in the United States during the preceding calendar year through the use of coal; 

(2) non-HFC greenhouse gas that will be emitted through the use of petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity; 

(3) non-HFC greenhouse gas, that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity, in each case in which the non-HFC greenhouse gas is not itself a petroleum- or coal-based gaseous fuel or natural gas. 

(iv) each HFC that was, during the preceding calendar year, emitted as a byproduct of hydrochlorofluorocarbon manufacture in the United States by that covered entity; and 

(v) non-HFC greenhouse gas that will be emitted— 

(I) through the use of natural gas that was, during the preceding calendar year, produced in the United States by that covered entity, imported into the United States by that covered entity, or produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by that covered entity and not reinjected into the field; or 

(ii) through the use of natural gas liquids that were, during the preceding year, produced in the United States by that covered entity or imported into the United States by that covered entity; or 

(B) a payment equal to the amount of the applicable TAP price in lieu of submission of 1 or more required emission allowances or offset allowances, to be used by the Administrator in accordance with paragraph (3). 

(2) DETERMINATION OF APPLICABLE TAP PRICE.—The applicable TAP price per allowance unit shall be— 

(A) for calendar year 2012, $12 per metric ton of carbon dioxide equivalent emitted by a covered entity; and 

(B) for each subsequent calendar year, an amount equal to the product obtained by multiplying— 

(i) the TAP price established for the preceding calendar year, increased by 5 percent; and 

(ii) the ratio that— 

(I) the implicit price deflator for the gross domestic product, as computed and published by the Department of Commerce for the most recent 4-calendar quarter period for which data is available; or 

(ii) the implicit price deflator for the gross domestic product, as computed and published by the Department of Commerce for the 4-calendar quarter period immediately preceding the period referred to in subparagraph (I), [(II) and (III)] (I) and (II)]; and 

(3) USE OF TAP PRICE PAYMENTS.— 

(A) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall transfer to the Climate Change Technology Board established by section 431 an amount equal to the total amount of TAP price payments received by the Administrator under paragraph (1) [(II) and (III)] (I) and (II)] for that calendar year. 

(B) USE BY BOARD.—The Climate Change Technology Board shall use amounts transferred to the Board under subparagraph (A) to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices. 

On page 67, lines 4 and 5, strike “paragraph (2) nor paragraph (5) of subsection (a)” and insert “clause (ii) nor clause (v) of subsection (a)(1)(A)”. 

On page 67, line 18, strike “subsection (a)(2)” and insert “subsection (a)(1)(A)(ii)”. 

On page 68, line 14, strike “(a)(1)(A)” and insert “(a)(1)(A)(i)”. 

On page 70, line 7, strike “(a)” and insert “(a)(1)(A)”. 

On page 70, line 15, strike “paragraph (2), (3), or (5) of subsection (a)” and insert “clause (ii), (iii), or (v) of subsection (a)(1)(A)”. 

On page 71, line 3, strike “(a)(2)” and insert “(a)(1)(A)(ii)”. 

SA 4882. Mr. SPECTER (for himself, Mr. BROWN, Mr. LEVIN, Ms. KLOBUCHAR, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows: 

Beginning on page 382, strike line 24 and all that follows through page 385, line 16, and insert the following: 

(4) COMPARATIVE ACTION.—The term “comparable action” means any greenhouse gas regulatory programs, requirements, and other measures adopted by a foreign country that, in combination, are comparable in effect to actions carried out by the United States, such that, on a countrywide basis, the measures mandate and achieve a percentage reduction (or limitation on increase, as appropriate) of greenhouse gas emissions in the foreign country, as compared to the greenhouse gas emissions of the foreign country during calendar year 2005, that is substantially equivalent to the percentage reduction (or limitation on increase, as appropriate) in United States emissions mandated and achieved under this Act, as compared to the greenhouse gas emissions of the United States during calendar year 2005. 

On page 386, strike lines 16 through 20 and insert the following: 

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term “indirect greenhouse gas emissions” means any emissions of a greenhouse gas—
(A) resulting from the generation of electricity that is consumed during the manufacture of a good; or

(B) directly or indirectly associated with the purification of any input used in the manufacture of a good.

On page 388, strike lines 3 through 18.

On page 392, lines 4 and 5 and insert the following:

would otherwise be excluded under subparagraph (B) of section 1308(b)(2); and

On page 398, strike lines 8 through 10.

On page 403, line 12, strike “‘(5)”’ and insert “‘(4)”’.

On page 398, line 13, strike “‘(6)”’ and insert “‘(5)”’.

On page 399, line 24, strike “‘2013” and insert “‘2011”.

On page 400, line 1, strike “‘(6)”’ and ininsert the extent to which, “‘(5)”’.

On page 400, strike lines 4 through 12 and insert the following:

the foreign country.

On page 400, strike lines 16 and 17 and insert the following:

list pursuant to subparagraph (B) of section 1308(b)(2); and

On page 403, line 12, strike “‘third”’ and insert “‘first”’.

Beginning on page 403, strike line 18 and all that follows through page 406, line 7, and insert the following:

(2) EXCLUDED LIST.—The Commission shall identify and publish in a list, to be known as the “excluded list,” the name of:

(A) each foreign country determined by the Commission under section 1303(a) to have taken action comparable to that taken by the United States to limit the greenhouse gas emissions of the foreign country; and

(B) each foreign country identified by the United Nations as among the least-developed developing countries.

On page 405, line 20, strike “‘2014” and insert “‘2012”.

On page 413, strike lines 1 through 13 and insert the following:

(A) the national greenhouse gas intensity rate for each category of covered goods of each covered foreign country for the compliance year, as determined by the Administrator under paragraph (3); and

(B) the allowance adjustment factor for the industry sector of the covered foreign country that manufactures the covered goods entered into the United States, as determined by the Administrator under paragraph (4).

On page 414, lines 1 and 2, strike “for the category of covered goods it”’ and insert “in relation to goods”.

Beginning on page 415, strike line 24 and all that follows through page 416, line 19, and insert the following:

(5) ANNUAL CALCULATION.—The Adminis

On page 417, line 3, strike “‘(7)”’ and insert “‘(6)”’.

On page 417, line 10, strike “‘(6)”’ and insert “‘(7)”’.

On page 417, strike lines 17 through 20 and insert the following:

of covered goods that are manufactured or processed in more than 1 foreign country.

On page 417, strike lines 21 through 23 and insert the following:

(B) REQUIREMENTS.—Except as provided in subparagraph (C), the procedures established

On page 418, strike line 1 and insert the following:

(i) to determine, for each covered

On page 418, strike line 11 and insert the following:

(ii) the international reserve

On page 418, line 20, strike “clause (i)” and insert “paragraph (B)”.

On page 419, line 2, strike “clause (i)” and insert “paragraph (B)”.

On page 419, line 9, strike “clause (i)” and insert “paragraph (B)”.

On page 421, between lines 19 and 20, insert the following:

(3) LIMITATION.—Notwithstanding any other provisions of this Act, the quantity of emission allowances for each covered foreign country for the compliance year that is emitted by a United States importer pursuant to this subsection shall not exceed 15 percent of the quantity of allowances that the importer is required to submit pursuant to subsection (d).

On page 422, line 5, strike “‘2013” and insert “‘2011”.

On page 422, line 11, strike “‘2017” and insert “‘2015”.

SA 4883. Mr. SPECTER (for himself, Mr. COLEMAN, Ms. KLOBUCAR, Ms. STABENOW, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to increase the number of cocoa beans planted and harvested in the United States.

SA 4885. Mr. ISAKSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to increase the number of cocoa beans planted and harvested in the United States.
the taxable year to acquire qualified real
funds which may be invested solely in qualified in-
vestment purposes. The amount of reserve funds
shall be an amount equal to the sum of:
(i) the total of the amounts that a quali-
fied conservation organization paid during the
taxable year to acquire qualified real property
interests exclusively for conservation
purposes, or
(ii) the aggregate appraised value of the quali-
fied real property interests referred to in clause (i), plus

(B) so much of the transaction costs rea-
sonably incurred during the taxable year in connection with the acquisition of a qualified real property interest as do not exceed 2
percent of the amount determined in subparagraph
(A).

(3) RESERVE FUNDS.—

(A) IN GENERAL.—The term ‘reserve funds’ means amounts permanently set aside by a qualified conservation organization as an en-
dowment to fund the future costs of enforc-
ing and maintaining qualified real property
interests acquired by the qualified conserva-
tion organization exclusively for conserva-
tion purposes.

(B) ENDOWMENT.—The term ‘endowment’ means a restricted fund held in a segregated account, the income and realized appreciation of which may be expended solely for the purposes
designated under this section, and which may be invested solely in qualified in-
vestments (as defined in section 501(c)(2)(D)(i)).

(C) LIMITATION.—The amount of reserve funds which may be taken into account under this paragraph for the taxable
year shall not exceed 8 percent of the acquisition
costs for that taxable year.

(d) QUALIFIED CONSERVATION ORGA-
IZATION.—For purposes of this section, the term ‘qualified conservation organization’ means, with respect to any taxable year—

(1) an organization which—

(A) is described in section 170(h)(3),

(B) has been in existence for at least 2 months
years immediately before the taxable
year, and

(C) is organized to serve primarily con-
servation purposes (as defined in section
170(h)(4)),

(2) a limited partnership, all the general
partners of which are organizations de-
scribed in paragraph (1), or

(3) a limited liability company, all the
managers of which are organizations de-
scribed in paragraph (1), respectively, with respect to which neither the seller of the
qualified real property interest nor any party related or subordinate to the seller (within the meaning of section 672(c)) would be a disqualified person (as defined in section 4946) if the organization were a private foun-
dation.

(e) QUALIFIED REAL PROPERTY INTEREST.—
For purposes of this section, the term ‘quali-
fied real property interest’ has the meaning given such term by section 170(h)(5), except that an acquisition shall not be treated as exclusively for conservation purposes unless the instrument conveying title to the qualified real property interest expressly provides that the conservation purposes may be enforced by both the attorney general of the State in which the real property is
situated and the qualified conservation organi-
ization.

(f) APPRAISAL VALUE.—For purposes of this section, the ‘aggregate appraised value’ means the fair market value as determined by a qualified appraisal (as defined in section 155(a)(4) of the Deficit Reduction Act of 1984).

(g) LIMITATION AMONG STATE CONSER-
vation agencies for any calendar year
The credit allowed under subsection (a) shall not exceed the taxpayer’s liability for income taxes (as defined in business income tax) for the taxable year.

(h) LIMITATION ON AGGREGATE CREDIT AL-
LOWABLE WITH RESPECT TO ACQUISSIONS OF QUALIFIED REAL PROPERTY INTERESTS LOCATED IN A STATE.—

(1) CREDIT MAY NOT EXCEED CREDIT AMOUNT ALLOCATED TO ACQUISITION OF QUALIFIED REAL PROPERTY INTEREST.—

(A) IN GENERAL.—The amount of the credit determined under subsection (a) for any taxable year with respect to the acquisition of a qualified real property interest shall not exceed the conservation credit dollar amount allocated to such acquisition under this subsection.

(B) TIME FOR MAKING ALLOCATION.—An
allocation shall be taken into account under subparagraph (A) only if it is made not later than the close of the calendar year in which the qualified real property interest is ac-
quired.

(C) ALLOCATION REDUCES AGGREGATE AMOUNT AVAILABLE TO AGENCY.—Any con-
servation credit dollar amount allocated to the acquisition of any qualified real property interest for any calendar year shall reduce the aggregate conservation credit dollar amount which a conserva-
tion agency may allocate for any calendar
year for purposes of this paragraph.

(i) ALLOCATION AMONG QUALIFIED STATES .—The amount of the allocating conservation credit shall be allocated among qualified States for the calendar
year according to the following formula:

\[
\text{Allocation to State }i = \frac{\text{State Conservation Credit Ceiling for Year } \times \text{State Conservation Credit Ceiling for Year }}{\text{Total State Conservation Credit Ceilings for Year }}
\]

However, the allocation may be modified by the Secretary when necessary to ensure that the total aggregate conservation credit is not exceeded.

(2) CREDIT DOLLAR AMOUNT FOR AGENCIES.—

(A) IN GENERAL.—The aggregate conserva-
tion credit dollar amount which a conserva-
tion agency may allocate for any calendar
year shall be equal to the sum of:

(i) the lesser of—

(I) the amount equal to the aggregate annual
credit multiplied by a fraction, the nu-
merator of which is the amount of land
located in such State that is either used for
agricultural purposes or constitutes private
forest land and the denominator of which is
the lessor of (i) the total number of land
acres in such State that is either used for
agricultural purposes or constitutes private
forest land and the denominator of which is
the lessor of (ii) the total number of land
acres in all States that is either used for
agricultural purposes or constitutes private
forest land, and

(ii) the amount equal to 4 percent of the aggregate
conservation credit ceilings for carryovers
allocated in such State that is either used for
agricultural purposes or constitutes private
forest land, or

(B) STATE CEILING INITIALLY ALLOCATED TO STATE CONSERVATION CREDIT AGENCIES.—
Except as provided in subparagraphs (F) and
(G), the State conservation credit ceiling for any calendar year shall be equal to the State conservation credit agency of such State. If there is more than 1 conservation credit agency of a State, all such agencies shall be treated as a single agency.

(C) STATE CONSERVATION CREDIT CEILING.—The State conservation credit ceiling applicable to any State for any calendar year shall be equal to the sum of—

(i) the lesser of—

(I) an amount equal to the aggregate annual
credit multiplied by a fraction, the nu-
merator of which is the amount of land
located in such State that is either used for
agricultural purposes or constitutes private
forest land and the denominator of which is
the lessor of (I) the total number of land
acres in such State that is either used for
agricultural purposes or constitutes private
forest land and the denominator of which is
the lessor of (II) the total number of land
acres in all States that is either used for
agricultural purposes or constitutes private
forest land, or

(ii) the amount equal to 4 percent of the aggregate
conservation credit ceilings for carryovers
allocated in such State that is either used for
agricultural purposes or constitutes private
forest land, or

(II) the amount (if any) allocated under subparagraph (F) to such State by the Sec-

F. THE AGGREGATE CREDIT ALLOCATION FOR A STATE.

(1) AGGREGATE CREDIT ALLOCATION FOR A STATE.—

The amount of the aggregate conservation credit ceiling for any calendar year is determined in accordance with the following

(i) the aggregate annual credit is:

\[
\text{Aggregate Annual Credit} = \frac{\text{State Conservation Credit Ceiling for Year }}{\text{Total State Conservation Credit Ceilings for Year }}
\]

However, the aggregate annual credit may be modified by the Secretary when necessary to ensure that the total aggregate conservation credit is not exceeded.

(3) UNEXPAID CREDIT.—Any unused aggregate credit for a calendar year that is not allocated to a State’s conservation credit ceiling is carried forward among States for the succeeding calendar year.

(ii) The amount of the aggregate conservation credit ceiling for any calendar year shall be assigned to the Secretary for allocation among the qualified States for the succeeding calendar year.

(iii) For purposes of this paragraph, the unused conservation credit carryover of a State for any calendar year is the excess (if any) of the State conservation credit ceiling for such year (as defined in subparagraph (C)) over the aggregate conservation credit dollar amount allocated by such State for such year.

(iv) For purposes of this paragraph, the term ‘qualified State’ means, with respect to a calendar year, any State:

(I) which has adopted a statewide conserva-
tion plan designed to preserve the natural
estate in the form of forests, farms, and
wetlands located within the boundaries of that State,

(II) which allocated its entire State conserva-
tion credit ceiling for the preceding cal-
endar year, and

(III) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (ii).

(v) CONGRESSIONAL RECORD.—For purposes of this subsection—
“(1) In general.—The aggregate conservation credit dollar amount for any constitutional home rule city for any calendar year shall be an amount which bears the same ratio to the basic qualified conservation credit ceiling for such calendar year as—

“(I) the land used for agricultural purposes and private forest land within a 25-mile radius of such city; and

“(II) the land used for agricultural purposes and private forest land in the entire State;

“(ii) Coordination with other authorities.—In the case of any State which contains 1 or more constitutional home rule cities, for purposes of this paragraph with respect to conservation credit agencies in such State other than constitutional home rule cities, the State conservation credit dollar amounts for such calendar year shall be reduced by the aggregate conservation credit dollar amounts determined for such year for all constitutional home rule cities in such State.

“(iii) Constitutional home rule city.—For purposes of this subparagraph, the term ‘constitutional home rule city’ has the meaning given such term by section 146(d)(3)(C).

“(I) State may provide for different allocation.—Rules similar to the rules of section 146(d)(3)(C)(i) of this title (as inserted by such paragraph) shall apply for purposes of this paragraph.

“(J) Land used for agricultural purposes and private forest land.—For purposes of this paragraph—

“(I) Land used for agricultural purposes.—The term ‘land used for agricultural purposes’ means the number of acres classified as land in farms in the 1997 Census of Agriculture conducted by the United States Department of Agriculture.

“(II) Private forest land.—The term ‘private forest land’ means the number of acres classified as private forest land in the 1997 Forest Inventory and Analysis conducted by the United States Forest Service, excluding any acres so classified therein that are also included as land in farms in the 1997 Census of Agriculture described in clause (I).

“(K) Secretary.—For purposes of this paragraph, the term ‘Secretary’ means the Secretary of Agriculture and the Secretary of the Treasury, or their assigns, or jointly established rules and procedures.

“(I) Special rules.—

“(A) Interests must be located within jurisdictional agency.—A conservation credit agency may allocate its aggregate conservation credit dollar amount only with respect to acquisitions of qualified real property interests located in the jurisdiction of the governmental unit of which such agency is a part.

“(B) Agency allocations in excess of limits.—Any conservation credit dollar amounts allocated by a conservation credit agency for any calendar year exceed the portion of the State conservation credit ceiling assigned to such agency for such calendar year, the conservation credit dollar amounts so allocated shall be reduced (to the extent of such excess) for acquisitions of qualified real property interests in the reverse order in which the allocations of such amounts were made.

“(4) Conservation credit agency.—For purposes of paragraph (3), the term ‘conservation credit agency’ means any agency authorized to carry out this subsection.

“(I) regulations.—Except as provided in subsection (K), the Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.

“(I) Subparagraph (A) of subsection (h)(1) shall not apply to any amount allocated after December 31, 2013.

“(b) Recognition of gain.—Section 1001 (relating to determination of amount of and recognition of gain or loss) is amended by adding at the end the following new subsection:

“(I) Qualified real property interests.—Gain shall be recognized on the sale of a qualified real property interest (as defined in section 30D(c)) that has acquired 1 or more qualified real property interests in transactions to which section 1001(f) applies, then the taxpayer’s basis in the remaining property shall be reduced (but not below zero) by the amount of gain recognized.

“(c) Basis adjustment.—Section 1016 (relating to adjustments to basis) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e) Adjustments to basis of certain real property.—If the taxpayer has sold a qualified real property interest in a transaction to which section 1001(f) applies, then the taxpayer’s basis in the remaining property shall be reduced (but not below zero) by the amount of gain recognized.

“(d) Conforming amendments.—

“(1) Passive loss rules inapplicable.—Section 469(d)(2)(A)(i) is amended to read as follows:

“(i) Subpart (D) (other than section 30D of part IV of subchapter A, or

“(2) Unrelated business income tax.—Section 512(a)(11) is amended by striking ‘section 11,’ and inserting ‘section 11,’ less any credits to which the organization is entitled under section 30D.

“(3) Denial of charitable contribution deduction.—Section 170(c) is amended by adding at the end the following new paragraph:

“(8) Special rule for contributions of interests in qualified conservation organizations.—No deduction shall be allowed for the contribution of an interest in a qualified conservation organization (as defined in section 30D(c)) that has acquired 1 or more qualified real property interests in transactions to which section 30D applies.

“(4) Classification as partnership.—Section 761(a) is amended by adding at the end the following new sentence: ‘Such term also includes an organization described in either section 30D(c)(2) or section 30D(c)(3).’

“(5) Credible amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“(Sec. 30D. Qualified real property credit.)

“(6) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 4886. Mr. GRAHAM (for himself and Mr. ISAkSON) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE NUCLEAR ENERGY
Subtitle A—Financial Incentives

SEC. 91. INVESTMENT TAX CREDIT FOR NUCLEAR POWER FACILITIES.

(a) New Construction and Qualified Power Facilities.—Section 46 of the Internal Revenue Code of 1986 is amended—

“(1) by striking ‘and’ at the end of paragraph (3);

“(2) by striking the period at the end of paragraph (4) and inserting ‘;’; and;

“(3) by inserting after paragraph (4) the following new paragraph:

“(5) the nuclear power facility construction credit.

(b) Nuclear Power Facility Construction Credit.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 51(b)2 the following new section:

“SEC. 48C. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

“(a) In general.—For purposes of section 46, the nuclear power facility construction credit shall be an amount which bears the same ratio to the aggregate of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility as—

“(b) When expenditures taken into account.—

“(1) In general.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

“(2) Coordination with subsection (c).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility or component of such facility that is not self-constructed, but not below zero, shall be taken into account under subchapter section (c) by the taxpayer or other person to whom the taxpayer or other person to whom the tax credits and any cash and in-kind payments related to the conveyance of such property relate and to the extent any amount so taken into account under subsection (c) has not been required to be recaptured under section 50A.

“(c) Progress expenditures.—

“(1) In general.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

“(A) self-constructed property.—In the case of a qualified nuclear power facility which is a self-constructed facility, no earlier than the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility, and

“(B) acquired facility.—In the case of a qualified nuclear facility which is not self-constructed property, no earlier than the taxable year in which such expenditures are paid.

“(2) Special rules for applying paragraph (1).—For purposes of paragraph (1)—

“(A) Component parts, etc.—Notwithstanding that a qualified nuclear power facility is a self-constructed facility, property described in paragraph (1)(B) shall be taken into account in accordance with paragraph (1)(B), and such amounts shall not be included in determining qualified nuclear power facility expenditures under paragraph (1)(A).

“(B) Certain borrowing disallowed.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility.

“(C) Limitation for facilities or components which are not self-constructed.

“(i) In general.—In the case of a facility or a component of a facility which is not self-constructed, the taxpayer may take into account under paragraph (1)(B) for any taxable year shall not exceed the excess of—

“(I) the product of the overall cost to the taxpayer of the facility or component of a facility, multiplied by the percentage of completion of the facility or component of a facility, less

“(II) the amount taken into account under paragraph (1)(B) for all prior taxable years as to such facility or component of a facility.

“(ii) Carryover of certain amounts.—In the case of a facility or component of a facility which is not self-constructed, for the taxable year the amount which (but for
clause (i)) would have been taken into account under paragraph (1)(B) exceeds the amount allowed by clause (i), then the amount of such excess shall increase the amount taken into account under paragraph (1)(B) for the succeeding taxable year without regard to this paragraph.

(D) Determination of Percentage of Construction Expense.—Subparagraph (C) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction of a nuclear power facility shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

(E) Determination of Overall Cost.—The determination under subparagraph (C) of the overall cost to the taxpayer of the construction of a facility shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

(F) Pro Rata Progress Expenditures for Property for Year Placed in Service, Etc.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

(i) the taxable year in which the facility is placed in service, or

(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility or for any taxable year thereafter.

(3) Self-constructed.—For purposes of this subsection—

(A) in general.—The term ‘self-constructed’ means the facility if, at the close of the first taxable year to which the election in subsection (c) applies, it is reasonable to believe that more than 80 percent of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

(B) Treatment of Components.—A component of a facility shall be treated as not self-constructed if, at the close of the first taxable year in which expenditures for the component are paid, it is reasonable to believe that the cost of the component is at least 5 percent of the expected cost of the facility.

(4) Election.—An election shall be made under this subsection for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on the return of the tax imposed by this chapter for the taxable year. Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

(d) Definitions and Special Rules.—For purposes of this section—

(1) Qualified nuclear power facility.—The term ‘qualified nuclear power facility’ means a nuclear power facility described in section 45J(d)(2).

(2) Qualified nuclear power facility expenditures.—(A) which, when placed in service, will use nuclear power to produce electricity, and

(B) which is subject to regulations approved by the Nuclear Regulatory Commission or before December 31, 2013, and

(C) which is placed in service before January 1, 2020.

Such term shall not include any property which is part of a facility the production from which is allowed as a credit under section 45 for the taxable year or any prior taxable year.

(3) Qualified nuclear power facility expenditures.—(A) in general.—The term ‘qualified nuclear power facility expenditures’ means any amount paid, accrued, or properly chargeable to capital account—

(i) with respect to a qualified nuclear power facility,

(ii) for which depreciation will be allowable under section 168 once the facility is placed in service or in connection with the placement of such facility in service,

(iii) which is incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service,

(iv) which is incurred before section 47(h) begins to apply to the extended tax benefit.

(B) Pre-effective date expenditures.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer after 2000, to the extent that, at the close of the first taxable year to which the election in subsection (c) applies, it is reasonable to believe that such expenditures will constitute more than 20 percent of the total qualified nuclear power facility expenditures.

(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

(A) in general.—For purposes of applying this section and section 50, positions between entities which meet the requirements of subsection (c) for any taxable year shall be determined as if such construction shall cease, with respect to the taxpayer, at the close of the first taxable year to which the election applies, and shall be resumed on the construction of such facility once such construction is subsequently resumed on the construction of such facility.

(B) Resumption of Construction.—If a nuclear power facility that is under construction ceases, with respect to the taxpayer, to be a qualified nuclear power facility by reason of subparagraph (A) and work is subsequently resumed on the construction of such facility, the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.

(e) Application of Other Rules.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section to the extent not inconsistent hereafter.

(f) Provisions Relating to Credit Recapture.—(1) Progress Expenditure Recapture Rules.—

(A) basic rules.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘(A) in general.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48(c) applied (in each case, including any application used to provide financing provided (directly or indirectly) under a Federal, State, or local program provided in connection with the project, and

(B) in the case of any other credit allowable with respect to any property which is part of the facility, and

(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.

(f) Clerical Amendment.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

‘‘Sec. 48C. Nuclear power facility construction credit.’’.

(g) Effective Date.—The amendments made by this section shall apply to expenditures incurred and property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. 62. 5-YEAR ACCELERATED DEPRECIATION FOR NEW NUCLEAR POWER FACILITIES.

(a) in general.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by striking ‘‘and’’ at the end of clause (vi) and inserting ‘‘, and’’; and

(b) conforming amendment.—Section 168(e)(3)(E)(vii) of the Internal Revenue Code of 1986 is amended by inserting ‘‘and not described in subparagraph (B)(vii) of this paragraph’’ after ‘‘section 1245(a)(3)’’. 
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. 63. QUALIFYING NUCLEAR POWER MANUFACTURING.

(a) IN GENERAL.—Subpart E of part IV of subchapter I of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

"SEC. 48D. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.—

"(1) PROJECT.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is certified under subsection (c) and—

"(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer,

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) by redesignation to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(D) which is placed in service on or before December 31, 2015.

"(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to the rules of section 160(e)(4) shall apply for purposes of this section.

"(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990 shall apply for purposes of this section.

"(c) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT AND QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT CERTIFICATION.

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a program to certify that property eligible for credits under this section as part of either a qualifying nuclear power manufacturing project or as qualifying nuclear power manufacturing equipment. The total amounts of credit that may be allocated under the program shall not exceed $150,000,000.

"(2) DEFINITIONS.—For purposes of this section—

"(A) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

"(B) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term ‘qualifying nuclear power manufacturing equipment’ means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed solely for the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

"(C) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.

"(d) ALLOWANCE OF CREDIT.—

"(1) ADDITIONAL INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended—

"(A) by striking ‘and’ at the end of paragraph (4);

"(B) by striking the period at the end of paragraph (5) and inserting ‘,’ and’; and

"(C) by inserting after paragraph (5) the following new paragraph:

"(‘6) the qualifying nuclear power manufacturing credit.

"(2) APPLICATION OF SECTION 48.—Subparagraph (C) of section 49(a)(1) of such Code, as amended by this Act, is amended—

"(A) by striking ‘and’ at the end of clause (iv);

"(B) by striking the period at the end of clause (v) and inserting ‘,’ and’; and

"(C) by inserting after clause (v) the following new clause:

"(vi) the basis of any property which is part of a qualifying nuclear power manufacturing project or qualifying nuclear power manufacturing equipment under section 48D.

"(c) CLAIMS.—The amendments made by this section shall apply to property placed in service on or before December 31, 2015.

"(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property—

"(1) the construction, reconstruction, or erection of which begins after the date of enactment of this Act;

"(2) which is acquired by the taxpayer on or after such date and not pursuant to a binding contract which was in effect on the date prior to such date.

SEC. 64. STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS.

(a) DEFINITIONS.—Section 638(a) of the Energy Policy Act of 2005 (42 U.S.C. 16014(a)) is amended—

"(1) by redesignating paragraph (4) as paragraph (7); and

"(2) by inserting after paragraph (3) the following:

"(‘4) FULL POWER OPERATION.—The term 'full power operation', with respect to a facility, means the earlier of—

"(A) the completion of construction date (or the equivalent under the terms of the financing documents for the facility); and

"(B) the date on which the facility achieves operations at an average nameplate capacity of 50 percent or more during any consecutive 30-day period after the completion of startup testing for the facility.

"(d) INCREASED PROJECT COSTS.—The term ‘increased project costs’ means the increased cost of constructing, commissioning, testing, operating, or maintaining a reactor prior to startup of the reactor achieved as a result of a delay covered by the contract, including costs of demobilization and remobilization, increased costs of equipment, materials and labor due to delay (including idle time), increased general and administrative costs, and escalation costs for constructing.

"(e) LITIGATION.—The term 'litigation' means any—

"(1) adjudication in Federal, State, local, or tribal court; and

"(2) administrative proceeding or hearing before a Federal, State, local, or tribal agency or administrative entity.

"(f) CONTRACT AUTHORITY.—Section 638(b) of the Energy Policy Act of 2005 (42 U.S.C. 16014(b)) is amended by striking paragraph (1) and inserting the following:

"(1) CONTRACTS.—

"(A) IN GENERAL.—The Secretary may enter into contracts under this section with sponsors of an advanced nuclear facility that cover 1 time a period of not more than 12 reactors, which shall consist of not less than 2 nor more than 4 different reactor designs, in accordance with paragraph (2).

"(B) REPLACEMENT CONTRACTS.—A contract entered into under this section terminates or expires without a claim being paid by the Secretary under the contract, the Secretary may enter into a new contract under this section in replacement of the contract.

"(c) COVERED COSTS.—Section 638(d) of the Energy Policy Act of 2005 (42 U.S.C. 16014(d)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(1) CLAIMS.—In the case of reactors that receive combined licenses and on which construction is commenced, the Secretary shall—

"(A) 100 percent of the covered costs of delay that occur after the initial 30-day period of covered delay; but

"(B) not more than $500,000,000 per contract.

"(2) COVERED DEBT OBLIGATIONS.—Debt obligations covered under subparagraph (A) of paragraph (5) shall include debt obligations incurred to pay increased project costs.

"(d) DISPUTE RESOLUTION.—Section 638 of the Energy Policy Act of 2005 (42 U.S.C. 16014) is amended—

"(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

"(2) by inserting after subsection (e) the following:

"(‘) DISPUTE RESOLUTION.—

"(1) IN GENERAL.—Any controversy or claim arising out of or relating to any contract entered into under this section shall be determined by arbitration in Washington, DC, in accordance with the applicable Commercial Arbitration Rules of the American Arbitration Association.

"(2) TREATMENT OF DECISION.—A decision by an arbitrator shall be final and binding, and the United district court for Washington, DC, or the district in which the project is located shall have jurisdiction to enter judgment on the decision.

SEC. 65. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) DEFINITION OF PROJECT COST.—Section 1701(b) of the Energy Policy Act of 2005 (42 U.S.C. 17011(b)) is amended by adding at the end the following:

"(6) PROJECT COST.—The term 'project cost' means all costs associated with the development, planning, design, engineering, permitting and licensing, construction, commissioning, startup, shakedown, and financing of a facility, including reasonable escalation and contingencies, the cost of and fees for the guarantee, reasonably required reserve funds, initial working capital, and interest during construction.

"(b) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 17012) is amended by striking subsections (b) and (c) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

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

"(A) sufficient amounts have been appropriated to cover the cost of the guarantee; and

"(B) the Secretary has—

"(i) received from the borrower payment in full for the cost of the obligation; and

"(ii) deposited the payment into the Trea

"(c) ANY COMBINATION OF SUBPARAGRAPHS (A) AND (B) THAT IS SUITABLE TO COVER THE COST OF THE OBLIGATION.
SEC. 11. NUCLEAR POWER 2010 PROGRAM.

Section 952(c) of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended by adding at the end the following:

[(A) by striking paragraph (1) and inserting the following:
(1) PROJECT ESTABLISHMENT.—The Secretary shall offer to enter into a partnership agreement with an entity or group of entities in the private sector under which the entity or group of entities shall assume responsibility for the management and operation of the Project.
(2) REQUIREMENT.—The partnership agreement under clause (1) shall contain a provision under which the entity or group of entities in the private sector may enter into contracts with entities in the public sector for the provision of services and products to that sector that represent typical commercial practices.
(B) in paragraph (2), by adding at the end the following:
(1) IN GENERAL.—The Secretary shall, acting through the Idaho National Laboratory, establish the Idaho National Laboratory Energy System to:
(i) review program plans for the Project prepared by the Office of Nuclear Energy, Science, and Technology and progress under the Project on an ongoing basis, in accordance with an applicable technology investment agreement between the Secretary and the industry consortium established under section 642(c)(3); and
(ii) collaborate with other National Laboratories, institutions of higher education, other research institutes, industrial researchers, and international researchers to carry out the Project.
(C) by striking paragraph (2)(A) and inserting the following:
(1) LEAD LABORATORY.—The Idaho National Laboratory shall:
(i) be the lead National Laboratory for the Project; and
(ii) collaborate with other National Laboratories, institutions of higher education, other research institutes, industrial researchers, and international researchers to carry out the Project.
(D) $2,200,000 for fiscal year 2012.

(2) DUTIES.—The Idaho National Laboratory Energy System shall:
(i) be a lead National Laboratory for the Project or any portion of the Project, as necessary; and
(ii) be the lead National Laboratory for the Project.

(B) Partnership Agreement.—
(i) In general.—The Secretary shall offer to enter into a partnership agreement with an entity or group of entities in the private sector under which the entity or group of entities shall assume responsibility for the management and operation of the Project.
(ii) Requirement.—The partnership agreement under clause (1) shall contain a provision under which the entity or group of entities in the private sector may enter into contracts with entities in the public sector for the provision of services and products to that sector that represent typical commercial practices.

(C) Industry Consortium.—
(i) Establishment.—The Secretary shall establish the Idaho National Laboratory Energy System to:

(1) review program plans for the Project prepared by the Office of Nuclear Energy, Science, and Technology and progress under the Project on an ongoing basis, in accordance with an applicable technology investment agreement between the Secretary and the industry consortium established under section 642(c)(3); and
(2) collaborate with other National Laboratories, institutions of higher education, other research institutes, industrial researchers, and international researchers to carry out the Project.

(D) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

(A) $159,600,000 for fiscal year 2009;
(B) $135,600,000 for fiscal year 2010;
(C) $146,900,000 for fiscal year 2011; and
(D) $2,300,000 for fiscal year 2012.

SEC. 12. NEXT GENERATION NUCLEAR PLANT PROJECT.

(a) Project Establishment.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended by adding at the end the following:

(1) in subsection (a)—

(A) by striking the subsection designation and inserting the following:
"(A) in paragraph (1), by inserting "acting through the Idaho National Laboratory, partnering with the public sector, and operating activities, services, and equipment;" and
(B) in paragraph (2), by adding at the end the following:
"(B) in paragraph (2), by adding at the end the following:
"(B) by striking clause (I) and inserting the following:
"(i) by striking clause (I) and inserting the following:
"(ii) by striking "the" and inserting "a;" and
"(iii) by inserting the following:
"(i) in subparagraph (C), by inserting "the" and oxygen; and
"(ii) by striking "." and inserting "; and oxygen;" and
"(iii) by striking clause (II) and inserting the following:
"(I) by striking clause (II) and inserting the following:
"(i) by striking clause (II) and inserting the following:
"(ii) by striking clause (II) and inserting the following:
"(iii) by striking clause (II) and inserting the following:
"(B) by striking clause (I) and inserting the following:
"(C) by striking clause (I) and inserting the following:
"(D) by striking clause (I) and inserting the following:
"(E) by striking clause (I) and inserting the following:
"(F) by striking clause (I) and inserting the following:
"(G) by striking clause (I) and inserting the following:
"(H) by striking clause (I) and inserting the following:
"(I) by striking clause (I) and inserting the following:

(b) Partnership Agreement.—

(1) IN GENERAL.—The Secretary shall offer to enter into a partnership agreement with an entity or group of entities in the private sector under which the entity or group of entities shall assume responsibility for the management and operation of the Project.

(2) REQUIREMENT.—The partnership agreement under clause (1) shall contain a provision under which the entity or group of entities in the private sector may enter into contracts with entities in the public sector for the provision of services and products to that sector that represent typical commercial practices.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Next Generation Nuclear Plant Project—

(A) $2,200,000 for fiscal year 2009;
(B) $1,900,000 for fiscal year 2010;
(C) $2,100,000 for fiscal year 2011; and
(D) $2,200,000 for fiscal year 2012.
"(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary, shall promulgate regulations to implement a program to provide grants to enhance workforce training for any occupation in the workforce of the nuclear utility and nuclear energy products and services industries for which a shortage is identified or predicted in the report under subsection (b)(2).

"(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, including organized labor organizations and multiemployer associations that jointly sponsor apprenticeship programs that provide training for skills needed in those industries.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the Secretary and the Secretary of Education, $20,000,000 for each of fiscal years 2008 through 2015 to carry out this subsection.

SEC. 14. INTERAGENCY WORKING GROUP TO PROMOTE DOMESTIC MANUFACTURING BASE FOR NUCLEAR ENERGY PRODUCTS AND EQUIPMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to increase the competitiveness of the United States nuclear energy products and services industries;

(2) to identify the stimulus or incentives necessary to create United States manufacturers of nuclear energy products to expand manufacturing capacity;

(3) to facilitate the export of United States nuclear energy products and services;

(4) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(5) to retain and create nuclear energy manufacturing related service jobs in the United States;

(6) to integrate the objectives described in paragraphs (1) through (5), in a manner consistent with the interests of the United States, into the foreign policy of the United States; and

(7) to authorize funds for increasing United States competitiveness to manufacture nuclear energy products and supply nuclear energy services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an interagency working group (referred to in this section as the ‘‘Working Group’’) that, in consultation with representative industry organizations, manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(2) COMPOSITION.—The Working Group shall be composed of—

(A) the Secretary of Energy (or a designee), who shall serve as Chairperson of the Working Group; and

(B) representatives of—

(i) the Department of Energy;

(ii) the Department of Commerce;

(iii) the Department of Defense;

(iv) the Department of Commerce;

(v) the Department of State;

(vi) the Environmental Protection Agency;

(vii) the United States Agency for International Development;

(viii) the Export-Import Bank of the United States;

(ix) the Trade and Development Agency;

(x) the Small Business Administration; and

(xi) the Office of the United States Trade Representative; and

(xii) other Federal agencies, as determined by the President.

(c) DUTIES OF WORKING GROUP.—The Working Group shall—

(1) not later than 180 days after the date of enactment of this Act, identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services;

(A) to increase electricity generation from nuclear energy sources through development of new generation facilities;

(B) to improve the efficiency, safety, and reliability of existing nuclear generating facilities through modifications; and

(C) enhance development, handling, storage, and disposal of used nuclear fuel;

(2) not later than 180 days after the date of enactment of this Act, identify—

(i) mechanisms to tax stimuli for investment, loans and loan guarantees, and grants necessary for United States companies to increase—

(1) the capacity of the companies to produce or provide nuclear energy products and services; and

(2) the export of nuclear energy products and services; and

(ii) administrative or legislative initiatives that are necessary—

(A) to encourage United States companies to increase the manufacturing capacity of the companies for nuclear energy products;

(B) to provide technical and financial assistance to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(C) to encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(D) to provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements;

(3) not later than 270 days after the date of enactment of this Act, submit to Congress a report that describes the findings of the Working Group under paragraphs (1) and (2), including recommendations for new legislative authority, as necessary; and

(4) encourage, through membership in the Working Group—

(A) to provide technical training and education for international development personnel and local users in other countries;

(B) to provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(C) to develop nuclear energy projects in foreign countries;

(D) to provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy agencies at embassies of the United States and other appropriate personnel in order to provide information about nuclear energy projects and services to foreign governments or other potential project sponsors;

(E) to support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(F) to augment budgets for trade and development programs in order to support prefeasibility or feasibility studies for projects that use nuclear energy products and services.

(d) PERSONNEL AND SERVICE MATTERS.—The Secretary of Energy and the heads of agencies represented by membership in the Working Group shall detail such personnel and furnish such services to the Working Group, with or without reimbursement, as are necessary to carry out the functions of the Working Group.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $20,000,000 for each of fiscal years 2009 through 2012.

SEC. 15. NUCLEAR POWER TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund to be known as the ‘‘Nuclear Power Technology Fund’’ of which funds shall be made available to carry out the purposes of section 16 (relating to spent fuel recycling).

SEC. 16. SPENT FUEL RECYCLING PROGRAM.

(a) PURPOSE.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste dedicated to a permanent Federal repository.

(b) SPENT FUEL RECYCLING RESEARCH AND DEVELOPMENT FUND.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin construction of a spent fuel recycling research and development facility.

(2) PURPOSE.—The facility described in paragraph (1) shall serve as the lead site for continuing research and development of advanced nuclear fuel cycles and separation technologies.

(c) SITE SELECTION.—In selecting a site for the facility, the Secretary shall give preference to a site that has—

(A) the most technically sound bid;

(B) a demonstrated technical expertise in spent fuel recycling; and

(C) community support.

(d) CONTRACTS.—The Secretary shall use amounts in the Nuclear Power Technology Fund, and such other amounts as are appropriated to carry out this section, to enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

(e) COMPETITIVE SELECTION.—Contracts awarded under subsection (c) shall be awarded on the basis of a competitive bidding process that—

(1) maximizes the competitive efficiency of the projects funded;

(2) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

(3) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(f) REGULATORY AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, in collaboration with the Secretary of Energy, shall promulgate regulations for the licensing of facilities for recovery and use of spent nuclear fuel that provide reasonable assurance that licenses issued for that purpose will not be counter to the defense, security, and national interests of the United States.

SA 4887. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3636, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:
SA 4889. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 224, line 16, strike "56" and insert "39".

On page 226, line 11, strike "30" and insert "18".

On page 227, line 5, strike "5" and insert "3".

On page 228, strike line 13 and insert the following:

(j) GRANTS FOR TRAFFIC CONGESTION AND BOTTLENECK RELIEF PROJECTS.—

(1) IN GENERAL.—Of the funds deposited into the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 40 percent shall be distributed to State governmental authorities to assist in reducing highway traffic congestion, through—

(A) programs to alleviate traffic congestion at documented highway bottlenecks; and

(B) programs to deploy systemic improvements to reduce traffic congestion.

(2) USE OF FUNDS.—A State governmental authority shall use funds received under paragraph (1) for—

(A) construction of new roadway or bridge capacity, including single-occupancy vehicle lanes;

(B) technology applications; and

(C) operational improvements.

(k) CONDITION FOR RECEIPT OF FUNDS.—To be eligible to receive funds deposited under this subsection, a State governmental authority shall—

(1) ensure that programs to deploy systemic improvements—

(i) decrease emissions of greenhouse gases, and

(ii) are necessary and meet the purposes of the provisions no longer causes a diesel price increase.

SA 4888. Mr. INHOFE (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—RENEWABLE ENERGY STANDARD

SEC. 1801. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) DEFINITIONS.—In this section:

"(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding electricity generated by a hydroelectric facility (including a pumped storage facility, but excluding increases in pumped storage).

"(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.
energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))), landfill gas, or municipal solid waste.

(4) GEOTHERMAL ENERGY.—(A) The term geothermal energy means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

(A) IN GENERAL.—The term ‘incremental geothermal production’ means for any year the excess of—

(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

(ii) the average annual kilowatt hour production at such facility for any of the previous 7 calendar years before the date of enactment of this section.

(B) for electric energy generated at a facility (including a distributed generation facility) using geothermal energy.

(6) INCREMENTAL HYDROPOWER.—

(A) IN GENERAL.—The term ‘incremental hydropower’ means additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

(B) EXCLUSION.—The term ‘incremental hydropower’ does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

(7) MEASUREMENT.—Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average generation production baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

(8) RENEWABLE ENERGY.—The term ‘new renewable energy’—

(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) hydropower (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas;

(iv) incremental hydropower; or

(v) municipal solid waste; and

(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

(i) the additional energy above the average generation during the 3-year period ending on or at the date of enactment of this section at the facility from—

(ii) other renewable energy;

(B) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(3) DURATION.—A credit described in subparagraph (A) or (B) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

(4) TRANSFERS.—An electric utility that has unused credits in excess of the quantity of credits needed to comply with subsection (b) may transfer the credits to another electric utility in the same utility holding company system.

(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate entity that establishes markets the administration of a national tradable renewable energy credit market for purposes of creating a transparent national market for the trade or retirement of renewable energy credits.

(6) ENFORCEMENT.—

(A) NOTICE.—Any electric utility that fails to meet the compliance requirements of subsection (b) shall be subject to a civil penalty.

(B) AMOUNT OF PENALTY.—Subject to paragraph (3), the amount of the civil penalty shall be equal to the product obtained by multiplying—

(i) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); by

(ii) 2 cents (adjusted for inflation under subsection (h)); or

(iii) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

(C) MITIGATION OF PENALTY.—

(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (b) for reasons outside of the reasonable control of the utility.

(B) REDUCTION.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (b).

(7) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 323(d) of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6232).

(8) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

(A) IN GENERAL.—Not later than December 31, 2010, the Secretary shall establish a State renewable energy account in the Treasury.

(B) DEPOSITS.—In general.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited in the renewable energy account established under paragraph (1).

(C) SEPARATE ACCOUNT.—The State renewable energy account shall be maintained as a separate account in the Treasury and shall not be transferred to the general fund of the Treasury.

(9) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6222) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

(10) ADMINISTRATION.—The Secretary may issue guidelines and criteria for contractors awarded under this subsection. State energy offices receiving grants under this section

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June 5, 2008
shall maintain such records and evidence of compliance as the Secretary may require.

"(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference to:

(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity;

(B) to State programs to stimulate or enhance innovative renewable energy technologies;

(C) to rules—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section;

(g) EXCEPTIONS.—This section shall not apply in any calendar year to an electric utility—

(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

(2) in Hawaii.

(h) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary shall adjust Federal funds for dollar inflation (as measured by the Consumer Price Index)—

(1) the price of a renewable energy credit under section 335(d)(2); and

(2) the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

(i) STATE PROGRAMS.—

(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (d)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section.

(2) The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

(3) REGULATIONS.—

(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility subject to the requirements of this section that is also subject to a State renewable energy standard that provisions renewable energy credits in relation to equivalent quantities of renewable energy associated with compliance mechanisms, other than the generation or purchase of renewable energy by the electric utility, including the acquisition of certificates or credits and the payment of taxes, fees, surcharges, or other financial compliance mechanisms by the electric utility or a customer of the electric utility, directly associated with the generation or purchase of renewable energy.

(B) PROHIBITION ON DOUBLE COUNTING.—

The regulations promulgated under this paragraph shall ensure that a kilowatt hour associated with a renewable energy credit issued under this subsection shall not be used for compliance with this section more than once.

(C) RECOVERY OF COSTS.—

(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

(k) WIND ENERGY DEVELOPMENT STUDY.—The Secretary, with the cooperation of the appropriate Federal and State agencies, shall conduct, and submit to Congress a report describing the results of a study on methods to increase transmission line capacity for wind energy development.

(1) SUNSET.—This section expires on December 31, 2010.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 2005 (Pub. L. No. 109-58, as added by the act at the end of the items relating to title VI the following:

Sec. 609. Rural and remote communities electrification grants.

Sec. 610. Federal renewable portfolio standards.

(3) SURVEY.—The Secretary, in consultation with States, shall promulgate regulations to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Sense of the Senate Regarding Excessive Big Oil Chief Executive Officer Compensation

SEC. 1771. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the national average price for a gallon of gasoline has increased to $1.74 per gallon during the week President George W. Bush took office in January 2001 to, as of the date of enactment of this Act, an all-time high of approximately $4.00 per gallon;

(2) the price of a barrel of oil has increased during the administration of George W. Bush, from $30.63 in January 2001 to as high as $135 in May 2008;

(3) the average household with children will spend approximately $5,030 on transportation fuel costs in 2008, an increase of 164 percent or $3,127 more than 2001 transportation fuel costs;

(4) the price of gasoline has continued to skyrocket, median household income, adjusted for inflation, has declined by $962 from $50,566 in 2000 to $49,584 in 2006, making it harder for families of the United States to afford the basic necessities of life;

(5) while the price of gasoline has continued to skyrocket, 36,500,000 citizens of the United States lived in poverty during 2006, an increase by not less than 25 percent the margin level of crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act.

(ii) EXCEPTION.—The Commission shall not increase the margin level of crude oil if—

(i) the buyer and seller of the crude oil are primarily engaged in the business of extracting, refining, transporting, or selling crude oil (including products refined from crude oil); or

(ii) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product of crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of any agreement, contract, or transaction covered by this Act.

SA 4882. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Margin Level for Crude Oil

SEC. 1771. MARGIN LEVEL FOR CRUDE OIL.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

"(G) MARGIN LEVEL FOR CRUDE OIL.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date of enactment of this paragraph, the Commission shall promulgate regulations to increase by not less than 25 percent the margin level of crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act.

(ii) EXCEPTION.—The Commission shall not increase the margin level of crude oil if—

(I) the buyer and seller of the crude oil are primarily engaged in the business of extracting, refining, transporting, or selling crude oil (including products refined from crude oil); or

(II) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product of crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of any agreement, contract, or transaction covered by this Act.

SA 4883. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Commodity Futures

SEC. 1771. MARGIN LEVEL FOR CRUDE OIL.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

"(G) MARGIN LEVEL FOR CRUDE OIL.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date of enactment of this paragraph, the Commission shall promulgate regulations to increase by not less than 25 percent the margin level of crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act.

(ii) EXCEPTION.—The Commission shall not increase the margin level of crude oil if—

(I) the buyer and seller of the crude oil are primarily engaged in the business of extracting, refining, transporting, or selling crude oil (including products refined from crude oil); or

(II) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product of crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of any agreement, contract, or transaction covered by this Act.
“(II) Exception.—The Commission shall not increase the margin level of crude oil if—

“(I) the buyer and seller of the crude oil are primarily engaged in the business of extracting energy from subjects or selling crude oil (including products refined from crude oil); or

“(II) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product refined from the crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of an agreement, contract, or transaction covered by this Act.”.

SEC. 1772. ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

“(1) ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.—

“(1) IN GENERAL.—Notwithstanding paragraphs (3) through (5) of subsection (b), agreements, contracts, or transactions, including futures, swaps, and derivatives transactions that serve a price discovery function for commodities delivered in the United States, that are facilitated or transacted on any contract market or electronic trading facility that is regulated by a foreign authority shall—

“(A) register as a designated contract market pursuant to section 4(a); and

“(B) be subject to the rules and regulations of the Commission, including disclosure requirements, that apply to designated contract markets.

“(2) REGISTRATION.—A contract market or electronic trading facility that is subject to paragraph (1) shall register with the Commission no later than 180 days after the date of enactment of this subsection.

“(3) INAPPLICABILITY OF EXEMPTIONS.—Any exemption from registration, including no action letters, issued by the Commission or the staff of the Commission shall not be applicable after this date.”.

SEC. 1773. CONFLICTS OF INTEREST IN COMMODITIES MARKETS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) as amended by section 1772 is amended by adding at the end the following:

“(k) CONFLICTS OF INTEREST IN COMMODITIES MARKETS.—

“(1) IN GENERAL.—The Commission or the Securities and Exchange Commission, as appropriate, shall establish and enforce rules to eliminate or minimize conflicts of interest in transactions in commodities traded on or subject to the rules of a board of trade, and establish a process for resolving such conflicts of interest, including rules that—

“(A) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

“(B) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

“(C) prohibit a covered person from engaging in energy derivative transactions or energy futures contracts on behalf of themselves or the clients of the covered person.

“(D) prohibit investment banks from owning energy commodities.

“(E) require investment banks to disclose income from oil and gas trading activities;

“(F) prohibit investment banks from having an interest in an energy exchange; and

“(G) prohibit United States investors from trading on an unregulated exchange; and

“(H) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

“(2) PENALTY.—An individual or entity that is determined by the Commission or the Securities and Exchange Commission, as appropriate (repeatedly violates any applicable provision of this subsection or a rule or regulation promulgated pursuant to this subsection shall be subject to a fine of $1,000,000, imprisoned for not more than 10 years, or both, for each violation.”.

SA 4894. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) as amended by adding at the end the following:

“(1) ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.—

“(1) IN GENERAL.—Notwithstanding paragraphs (3) through (5) of subsection (b), any contract market or electronic trading facility that is regulated by a foreign regulatory agency and that facilitates, or on which is transacted, any agreements, contracts, or transactions, including futures, swaps, and derivatives transactions that serve a price discovery function for energy commodities delivered in the United States, shall—

“(A) register as a designated contract market pursuant to section 4(a); and

“(B) be subject to the rules and regulations of the Commission, including disclosure requirements, that apply to designated contract markets.

“(2) REGISTRATION.—Each contract market and electronic trading facility that is subject to paragraph (1) shall register with the Commission no later than 180 days after the date of enactment of this subsection.

“(3) INAPPLICABILITY OF EXEMPTIONS.—Any exemption from registration, including no action letters, issued by the Commission or the staff of the Commission shall not be applicable after the date of enactment of this subsection.”.

SA 4895. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Energy Commodities Futures

SEC. 1771. ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) as amended by adding at the end the following:

“(1) IN GENERAL.—The Commission or the Securities and Exchange Commission, as appropriate, shall establish and enforce rules to eliminate or minimize conflicts of interest in transactions in commodities traded on or subject to the rules of a board of trade, and establish a process for resolving such conflicts of interest, including rules that—

“(A) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

“(B) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

“(C) prohibit a covered person from engaging in energy derivative transactions or energy futures contracts on behalf of themselves or the clients of the covered person.

“(D) prohibit investment banks from owning energy commodities.

“(E) require investment banks to disclose income from oil and gas trading activities;

“(F) prohibit investment banks from having an interest in an energy exchange; and

“(G) prohibit United States investors from trading on an unregulated exchange; and

“(H) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

“(2) PENALTY.—An individual or entity that is determined by the Commission or the Securities and Exchange Commission, as appropriate (repeatedly violates any applicable provision of this subsection or a rule or regulation promulgated pursuant to this subsection shall be subject to a fine of $1,000,000, imprisoned for not more than 10 years, or both, for each violation.”.

SA 4896. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:


(a) ESTABLISHMENT.—There is established a commission, to be known as the “National Commission on Energy Policy and Global Climate Change” (referred to in this section as the “Commission”)

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine all aspects of the national energy situation and related policies in order to develop a comprehensive, economy-wide policy approach to energy issues; and

(2) to examine relevant data relating to global climate change, including impacts of human activities; and

(3) to report to Congress and the President the findings, conclusions, and recommendations of the Commission for legislation to establish a comprehensive national energy policy that ensures national energy security and significantly reduces greenhouse gas emissions in order to address global climate change without damaging the economy.

(c) COMPOSITION.—The Commission shall be composed of 12 members, of whom—

(A) 1 shall be jointly appointed by the Majority Leader of the Senate and the Speaker of the House of Representatives, who shall serve as Chairperson of the Commission;

(B) 1 shall be jointly appointed by the Minority Leader of the Senate and the Minor-
(C) 1 shall be jointly appointed by the
Chairperson and Ranking Member of the
Committee on Committee on Energy and
Natural Resources of the
Senate;

(D) 1 shall be jointly appointed by the
Chairperson and Ranking Member of the
Committee on Natural Resources of the
House of Representatives, with the
Chairperson and Ranking Member of the
Committee on Science and Technology and
Transportation and Infrastructure of the
House of Representatives;

(E) 1 shall be jointly appointed by the
Chairperson and Ranking Member of the
Committee on Agriculture, Nutrition,
And Forestry of the Senate;

(F) 1 shall be jointly appointed by the
Chairperson and Ranking Member of the
Committee on Agriculture of the House of
Representatives;

(G) 1 shall be jointly appointed by the
Chairperson and Ranking Member of the
Committee on Commerce, Science,
And Transportation of the
Senate;

(H) 1 shall be jointly appointed by the
Chairpersons and Ranking Members of the
Committees on Science and Technology and
Transportation and Infrastructure of the
House of Representatives;

(I) 1 shall be jointly appointed by the
Chairperson and Ranking Member of the
Committee on the Agriculture of the House of
Representatives;

(J) 1 shall be jointly appointed by the
Chairperson and Ranking Member of the
Committee on Ways and Means of the House of
Representatives.

(2) QUALIFICATIONS.—
(A) POLITICAL PARTY AFFILIATION.—An
appointment of a member of the Commission
under paragraph (1) shall be made—
(i) without regard to the political party
affiliation of the member; and
(ii) on a nonpartisan basis.

(B) NONGOVERNMENTAL APPOINTEES.—A
member appointed to the Commission under
paragraph (1) shall not be an officer or em-
ployee of—
(i) the Federal Government; or
(ii) any unit of State or local government.

(C) INTERNATIONAL APPOINTEES.—
Qualifications.—It is the sense of Congress
that members appointed to the Commission
under paragraph (1) should be prominent,
national and international United States citizens,
with a significant depth of experience in pro-
cesses such as governmental service,
service, science, energy, economics, the environ-
ment, agriculture, manufacturing, public ad-
ministration, and commerce (including avia-
tion matters).

(3) DEADLINE FOR APPOINTMENTS.—
All members of the Commission shall be ap-
pointed by not later than 90 days after the
date of enactment of this Act.

(4) MEETINGS.—
(A) INITIATING MEETING.—The
Commission shall hold the initial meeting of the
Commission as soon as practicable, and not later
than 60 days, after the date on which all
members appointed to the Commission are ap-
pointed.

(B) SUBSEQUENT MEETINGS.—After the initial
meeting under subparagraph (A), the
Commission shall meet at the call of—
(i) the Chairperson;
(ii) a majority of the members of the
Commission;

(5) QUORUM.—7 members of the Commission
shall constitute a quorum.

(6) VACANCIES.—A vacancy on the Commis-
ion—
(A) shall not affect the powers of the Com-
misson; and
(B) shall be filled in the same manner in
which the original appointment was made.

(d) DETINING.—
(I) IN GENERAL.—The Commission shall—
(A) study and evaluate relevant data, stud-
ies, and proposals relating to national en-
ergy policies to address global climate
change, including any relevant legis-
lation, Executive order, regulation, plan,
policy, practice, or procedure relating to—
(i) domestic production and consumption of
energy from all sources and imported
sources of energy, particularly oil and nat-
ural gas;
(ii) domestic and international oil and gas
exploration, production, refining, and pipe-
lines and other forms of infrastructure and
transportation;
(iii) energy markets, including energy
market speculation, transparency, and over-
sight;
(iv) the structure of the energy industry,
including the impacts of consolidation, anti-
trust, and oligopolistic concerns, market
manipulation and collusion concerns, and
other similar matters;
(v) electricity generation and transmission
issues, including fossil fuels, renewable en-
ergy, energy efficiency, and energy conserva-
tion matters;
(vi) transportation fuels, biofuels and other
renewable fuels, fuel cells, motor vehicle
power systems, efficiency, and conservation;
and
(vii) nuclear energy, including matters relat-
ing to permitting, regulation, and legal
liability;
(B) examine relevant data relating to glob-
al climate change, including—
(i) the impacts on the global climate sys-
tem and the environment of human activi-
ties, particularly greenhouse gas emissions
and pollution; and
(ii) the consequences of global climate
change on humans and other species, par-
ticularly consequences to the national secu-
ritiy, economy, and public health and safety
of the United States;
(C) identify, review, and evaluate the les-
ses of past energy policies, energy crisis
environmental problems, and attempts to
address global climate change;
(D) evaluate proposals for energy and glob-
al climate change policies, including pro-
posals developed by Members of Congress,
congressional Committees, relevant Federal,
regional, and State government agencies,
nongovernmental organizations, independent
organizations, and international organiza-
tions, with the goal of expanding those pro-
posals to develop a blueprint for comprehen-
sive energy and global climate change legis-
lation; and
(E) submit to Congress and the President
the reports required under subsection (h).

(2) RELATIONSHIP TO REPORTS OF CON-
GRESS.—The Commission shall—
(A) review the information compiled by,
and the findings, conclusions, and rec-
ommendations of, congressional Committees
of relevant jurisdiction; and
(B) based on the results of the review, pur-
pose any appropriate inquiry that the Com-
munity determines to be necessary to carry
out the duties of the Commission under para-
graph (1).

(e) POWERS.—
(I) IN GENERAL.—
(A) RULES.—The Commission may estab-
lish such rules relating to administrative
procedures as are reasonably necessary to
enable the Commission to carry out this sec-
tion.

(B) HEARINGS AND EVIDENCE.—
(I) IN GENERAL.—The Commission or any
subcommittee or member of the Commission
may, for the purpose of carrying out this sec-
tion—
(A) hold such hearings and sit and act at
such times and places, take such testimony,
receive such evidence, and administer such
oaths as the Commission determines to be
appropriate; and
(B) subject to paragraph (2)(A), require, by
subpoena or otherwise, the attendance and
testimony of such witnesses and the produc-
tion of such books, records, papers, memor-
a, documents, and as the Commission determines to be
necessary.

(2) REQUIREMENT FOR SUBPOENAS.—
(A) ISSUANCE.—
(i) IN GENERAL.—A subpoena may be issued
under this subsection—
(A) in agreement of the Chairperson
and Vice-Chairperson of the Commission; or
II) on the affirmative vote of at least 6
members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a
subpoena issued under this paragraph may be
issued by—
(I) issued under the signature of the Chair-
person of the Commission (or a designee
who is a member of the Commission); and
(II) served by any individual or entity des-
gnated by the Chairperson or designee.

(B) ENFORCEMENT.—
(I) IN GENERAL.—In the case of contumacy
or failure to obey a subpoena issued under
subparagraph (A), the United States district
court for the judicial district in which the
subpoenaed individual or entity resides, is
served, or may be found, or to which the sub-
poena is returnable, may issue an order
requiring the individual or entity to appear at
a designated place to testify or to produce
documentary or other evidence.

(ii) FAILURE TO OBEY.—
(I) IN GENERAL.—A failure to obey the order
of a United States district court under
clause (I) may be punished by the United
States district court as a contempt of the
court.

(ii) ENFORCEMENT BY COMMISSION.—In the
case of failure of a witness to comply with a
subpoena, or to testify if summoned pursuant
to this paragraph—
(aa) the Commission, by majority vote,
may direct the appropriate United States
Attorney a statement of fact regarding the
failure; and
(bb) the United States Attorney may bring
the matter before the grand jury for action
in accordance with sections 102 through 104
of the Revised Statutes (2 U.S.C. 192 et seq.).

(3) CONTRACTING.—To the extent amounts are
made available in appropriations Acts, the
Commission may enter into contracts to
assist the Commission in carrying out the
duties of the Commission under this section.

(4) CHAI RPERSON AND VICE-CHAIRPERSON.

(A) IN GENERAL.—The Commission may se-
cure directly from a Federal agency such in-
formation as the Commission considers to be
necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the
head of the agency shall provide the information to the Commission.

(C) TREATMENT.—Information provided to the Commission under this paragraph shall be retained, stored, and maintained by the Commissioner and State coastal agencies, and State officials and employees shall not disclose such information except as provided in clause (ii), to the Chairperson of the Commission to assist in carrying out the duties of the Commission under this subsection.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance described in subparagraph (A), any other Federal department or agency may provide to the Commission such services, funds, facilities, staff, and other support as the head of the department or agency determines to be appropriate.

(6) PORTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(7) COMPENSATION OF BUSINESS.—The Commission may accept and use the services of employees under section 5316 of title 5, United States Code, for purposes of chapters 81, 83, 84, 85, 87, 88, and 90 of title 5, United States Code. The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid to an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(8) VOLUNTEER SERVICES.—

(A) IN GENERAL.—Notwithstanding section 1902 of title 31, United States Code, the Commission shall consider all services performed by volunteers serving without compensation.

(B) REIMBURSEMENT.—The Commission may reimburse a volunteer for office supplies, local travel expenses, and other travel expenses, including per diem in lieu of subsistence, in accordance with section 7503 of title 31, United States Code.

(C) TREATMENT.—A volunteer of the Commission shall be considered to be an employee of the Federal Government in carrying out activities for the Commission, for purposes of—

(i) chapter 81 of title 5, United States Code;

(ii) chapter 11 of title 18, United States Code; and

(iii) chapter 171 of title 28, United States Code.

(9) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall be compensated at a rate equal to the daily rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home of such member and while on official business of the member in the performance of the duties of the Commission.

(3) STAFF.—In general.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional professional and support personnel as necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—(i) of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—

(i) In general.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and grade and rate of basic pay, and—

(ii) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

(4) STATUS.—The executive director and any employee (not including any member) of the Commission shall be considered to be an employee of the Federal Government in carrying out activities for the Commission.

(b) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2009, and thereafter as the Commission determines to be appropriate, the Commission shall submit to the President an interim report describing the findings and recommendations agreed to by a majority of members of the Commission during the period beginning on the date on which, as applicable—

(A) all members of the Commission are appointed under subsection (c); or

(B) the most recent interim report was submitted under this paragraph.

(2) FINAL REPORT.—Not later than 18 months after the date on which all members of the Commission are appointed under subsection (c), the Commission shall submit to Congress and the President a final report establishing a plan for development of legislation for a comprehensive national policy relating to energy security that—

(A) addresses global climate change; and

(B) describes the findings and recommendations agreed to by a majority of members of the Commission.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this section, to remain available until the later of—

(I) the date on which the funds are expended; or

(II) the date of termination of the Commission under subsection (j).

(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(d) PRIVILEGED INFORMATION.—Any evidence obtained or information disclosed to the Commission or any of its employees or contractors in the performance of its functions, or in connection with any hearing before the Commission, shall be privileged information within the meaning of section 1605(b)(4) of title 5, United States Code.

(e) COMPENSATION OF EMPLOYEES.—The rates of compensation of employees of the Commission shall be subject to the Civil Service Retirement and Pension Act of 1950 (5 U.S.C. 8331 et seq.).
titles VIII through XI to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

SEC. 433. DISTRIBUTION OF FUNDS.
The Secretary of Energy shall have the authority to distribute funds made available under this Act to the Secretary under this Act.

SEC. 434. NOTIFICATION OF DISTRIBUTION OF FUNDS.
(a) ADVANCE NOTIFICATION.—Not later than 60 days before distributing any funds made available under this Act to the Secretary of Energy the Secretary shall—
(1) publish in the Federal Register a detailed notification of the distribution; and
(2) provide a detailed notification of the distribution to—
(A) the President; and
(B) each committee of Congress with jurisdiction over an activity that would be funded under the distribution.
(b) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Energy shall submit to Congress a report describing, with respect to amounts obligated by the Secretary under this Act for that fiscal year—
(1) the actual amounts obligated during that fiscal year;
(2) the purposes for which the amounts were obligated; and
(3) the balance, if any, of amounts that—
(A) were obligated during that year; but
(B) remain unexpended as of the date of submission of the report.

SEC. 435. REVIEWS AND AUDITS BY COMPTROLLER GENERAL.
The Comptroller General of the United States shall conduct periodic reviews and audits of the efficacy of the distributions of funds made by the Secretary of Energy under this Act.

On page 283, lines 18 and 19, strike “Climate Change Technology Board established by section 431 and insert “Secretary of Energy”.

On page 284, lines 2 and 3, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 285, line 3, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 285, lines 17 and 18, strike “Climate Change Technology Board established by section 431 and insert “Secretary of Energy”.

On page 286, lines 3 and 4, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 286, lines 17 and 18, strike “Climate Change Technology Board, in consultation with the Administrator, the Secretary of Energy,” and insert “Secretary of Energy, in consultation with the Administrator.”

On page 286, line 23, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 288, lines 1 and 2, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 288, lines 10 and 11, strike “Climate Change Technology Board established by section 431 and insert “Secretary of Energy”.

On page 288, lines 17 and 18, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 289, line 7, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 290, lines 23 and 24, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 290, lines 5 and 6, strike “Climate Change Technology Board established by section 431” and insert “Secretary of Energy”.

On page 290, lines 11 and 12, strike “Climate Change Technology Board established by section 431” and insert “Secretary of Energy”.

On page 291, lines 13 and 14, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 291, lines 15 and 16, strike “Climate Change Technology Board established by section 431 and insert “Secretary of Energy”.

On page 297, line 21, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 298, lines 5 and 6, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 298, lines 20 and 21, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 299, lines 7 and 8, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 301, lines 6 and 7, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 301, lines 14 and 15, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 302, lines 3 and 4, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 304, strike lines 4 through 7.

On page 305, lines 7 and 8, strike “Climate Change Technology Board established by section 431 (referred to in this title as the ‘Board’)” and insert “Secretary of Energy”.

Beginning on page 306, line 18, and all that follows through page 308, line 3, strike “Board” each place it appears and insert “Secretary of Energy”.

On page 333, lines 21 and 22, strike “Climate Change Technology Board established by section 431 and insert “Secretary of Energy”.

On page 334, lines 3 and 4, strike “Climate Change Technology Board established by section 431” and insert “Secretary of Energy”.

On page 334, lines 25 and 26, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 335, lines 15 and 16, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 337, lines 1 and 2, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 337, lines 6 and 7, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 337, lines 11 and 12, strike “Climate Change Technology Board” and insert “Secretary of Energy”.

On page 341, strike lines 4 through 7.

On page 351, lines 5, strike “‘0.25 percent’ and insert ‘0.75 percent’.

On page 358, after line 5, strike the table and insert the following:

SA 4899. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 241, after line 21, strike the table and insert the following:
SA 4900. Mr. SALAZAR (for himself, Mrs. DOLE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, strike lines 14 through 19 and insert the following:

(1) In General.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for—
(A) distributing solely among rural electric cooperatives, in addition to any other allowances that rural electric cooperatives are eligible to receive, the quantities of emission allowances represented by percentages in the following table; and
(B) deducting those quantities from the percentages specified in the table under section 551(b):

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for distribution among rural electric cooperatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1</td>
</tr>
<tr>
<td>2013</td>
<td>1</td>
</tr>
<tr>
<td>2014</td>
<td>1</td>
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<td>2015</td>
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</tr>
<tr>
<td>2016</td>
<td>1</td>
</tr>
<tr>
<td>2017</td>
<td>1</td>
</tr>
<tr>
<td>2018</td>
<td>1</td>
</tr>
<tr>
<td>2019</td>
<td>1</td>
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<tr>
<td>2020</td>
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<td>2021</td>
<td>1</td>
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<tr>
<td>2022</td>
<td>0.75</td>
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<td>2031</td>
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<td>2037</td>
<td>1</td>
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<td>2047</td>
<td>1</td>
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<tr>
<td>2048</td>
<td>1</td>
</tr>
<tr>
<td>2049</td>
<td>1</td>
</tr>
</tbody>
</table>

SA 4902. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 125, the following:

SEC. 126. RESEARCH ON THE HEALTH EFFECTS OF CLIMATE CHANGE.

Title III of the Public Health Service Act is amended by inserting after section 317T (42 U.S.C. 247b) the following:

"SEC. 317T. IMPROVING THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.

(1) EXPANSION OF RESEARCH WITHIN CDC.—The Secretary, acting through the Centers for Disease Control and Prevention, shall, to the extent that amounts are appropriated under subsection (b),—
(1) provide funding for research on the health effects of climate change;
(2) develop additional expertise in the prevention and preparedness for the health effects of climate change;
(3) provide technical support to State and local health departments in developing preparedness plans, and communicating with the public about the health effects of climate change; and
(4) develop training programs for public health professionals concerning the health risks and interventions related to climate change.

(2) SPECIFIC USES.—The projects and activities described in paragraph (1) shall include projects and activities to—
(A) develop, improve, and integrate disease surveillance systems to respond to the health-related effects of climate change;
(B) develop rapid response systems for extreme weather events;
(C) identify and prioritize vulnerable communities and populations and actions that should be taken to protect them from the health-related effects of climate change;
(D) study and develop communication methods and materials to determine the most effective ways to communicate with individuals and communities concerning potential threats, protective behaviors, and preventive actions relating to climate change;
(E) pursue collaborative efforts to develop community strategies to prevent the effects of climate change;
(F) train or develop the public health workforce to strengthen the capacity of such workforce to respond to, and prepare for, the health effects of climate change; and
(G) carry out other activities determined appropriate by the Secretary of Health and..."

SA 4901. Mr. SALAZAR (for himself, Mr. BARRASSO, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, strike lines 4 through 8 and insert the following:

(A)(i) the average annual quantity of carbon dioxide equivalents emitted by the fossil fuel-fired electricity generator during the 5 calendar years preceding the date of enactment of this Act; or
(ii) in the case of a fossil fuel-fired electricity generator that was placed in service during the 3-year period ending on the date of enactment of this Act, the quantity of carbon dioxide equivalents emitted by the facility during normal operations exclusive of start-up testing, outages, and related operations, on an annual equivalent basis;

SA 4902. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 125, the following:

SEC. 126. RESEARCH ON THE HEALTH EFFECTS OF CLIMATE CHANGE.

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"SEC. 317T. IMPROVING THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.

(1) EXPANSION OF RESEARCH WITHIN CDC.—The Secretary, acting through the Centers for Disease Control and Prevention, shall, to the extent that amounts are appropriated under subsection (b),—
(1) provide funding for research on the health effects of climate change;
(2) develop additional expertise in the prevention and preparedness for the health effects of climate change;
(3) provide technical support to State and local health departments in developing preparedness plans, and communicating with the public about the health effects of climate change; and
(4) develop training programs for public health professionals concerning the health risks and interventions related to climate change.

(2) SPECIFIC USES.—The projects and activities described in paragraph (1) shall include projects and activities to—
(A) develop, improve, and integrate disease surveillance systems to respond to the health-related effects of climate change;
(B) develop rapid response systems for extreme weather events;
(C) identify and prioritize vulnerable communities and populations and actions that should be taken to protect them from the health-related effects of climate change;
(D) study and develop communication methods and materials to determine the most effective ways to communicate with individuals and communities concerning potential threats, protective behaviors, and preventive actions relating to climate change;
(E) pursue collaborative efforts to develop community strategies to prevent the effects of climate change;
(F) train or develop the public health workforce to strengthen the capacity of such workforce to respond to, and prepare for, the health effects of climate change; and
(G) carry out other activities determined appropriate by the Secretary of Health and..."
Human Services to plan for and address the impacts of climate change on public health.

(3) COORDINATION.—In carrying out this subsection, a State shall coordinate with the Administrator and the heads of other appropriate Federal agencies to ensure, to the maximum extent practicable, an efficient and effective use of emission allowances (or proceeds of sale of those emission allowances) allocated under this section.

(e) RETURN OF UNUSED EMISSION ALLOWANCES.—Any State receiving emission allowances under this section shall return to the Administrator any such emission allowances that the State has failed to use in accordance with subsection (d) by not later than 5 years after the date of receipt of the emission allowances from the Administrator.

(f) USE OF RETURNED EMISSION ALLOWANCES.—The Administrator shall, in accordance with subsection (c), distribute any emission allowances returned to the Administrator under subsection (e) to States other than the State that returned those allowances to the Administrator.

(g) REPORT.—

(1) IN GENERAL.—A State receiving allowances under this section shall annually submit to the appropriate committees of Congress and the appropriate Federal agencies a report describing the purposes for which the State has used the allowances received under this section.

(2) DEFINITION.—As used in this subsection, the term "appropriate committees of Congress" shall include the Committee on Health, Education, Labor and Pensions of the Senate.

In section 1223(a)(1)(B), insert "public health," after "climate change,", before the period.

In section 1223(b)(1)(A), insert "public health," after "ecosystems,", before the period.

In section 1402(c), strike the table and insert the following:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for auction for Deficit Reduction Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2024</td>
<td>15.75</td>
</tr>
<tr>
<td>2027</td>
<td>15.75</td>
</tr>
<tr>
<td>2029</td>
<td>15.75</td>
</tr>
<tr>
<td>2031</td>
<td>15.75</td>
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<tr>
<td>2033</td>
<td>15.75</td>
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<tr>
<td>2035</td>
<td>15.75</td>
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<tr>
<td>2037</td>
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<td>2039</td>
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<td>2041</td>
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<td>2045</td>
<td>15.75</td>
</tr>
<tr>
<td>2047</td>
<td>15.75</td>
</tr>
<tr>
<td>2049</td>
<td>15.75</td>
</tr>
<tr>
<td>2051</td>
<td>15.75</td>
</tr>
</tbody>
</table>

In section 1601(b)(1), strike "and" at the end.

In section 1601(b)(2)(F), strike the period and insert ":"

In section 1601(b), add at the end the following:

"(3) provide recommendations for the design and integration of public health systems that can recognize and respond to the health effects of climate change, particularly emerging and reemerging communicable diseases."

In section 1602, amend the section heading to read as follows:

SEC. 1602. AGENCY RECOMMENDATIONS.

In section 1602, add at the end the following:

"(1) RECOMMENDATIONS ON IMPROVING THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.—Not later than January 1, 2015, the Secretary of Health and Human Services shall submit to Congress legislative recommendations based on the most recent report submitted by the National Academy of Sciences pursuant to section 1601(b)(3).

In section 1603(b)(4), strike "and" at the end.

In section 1603(b), insert after paragraph (4) the following and redesignate accordingly:

"(5) the Secretary of Health and Human Services; and"

SA 4903. Mr. WARNER (for himself, Mr. LIBERMAN, Mrs. DOLE, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, strike lines 8 through 13 and insert the following:

"(a) REGULATIONS.

(1) IN GENERAL.—If the President determines that a national security, energy security, or economic security emergency exists, and that it is in the paramount interest of the United States to modify any requirement under this Act to minimize the effects of the emergency, the President may make an emergency declaration.

(2) INCREASE IN PRICE OF TRANSPORTATION FUEL.—In making a determination under paragraph (1), any increase in the price of transportation fuel that the President determines to be attributable to the implementation of this Act may serve as the basis for an emergency declaration under that paragraph if the increase amounts to a national security, energy security, or economic security emergency, as determined by the President.

SA 4904. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, strike line 18 and all that follows through page 199, line 6, and insert the following:

SEC. 561. ALLOCATION.

(a) IN GENERAL.—Not later than 30 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a quantity of emission allowances established pursuant to section 1601(a) for that calendar year for distribution among owners and operators of fossil-fueled electricity generators in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Allowances for distribution among fossil fuel-fired electricity generators (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>713.8735</td>
</tr>
<tr>
<td>2013</td>
<td>780.7704</td>
</tr>
<tr>
<td>2014</td>
<td>847.5436</td>
</tr>
<tr>
<td>2015</td>
<td>764.4405</td>
</tr>
<tr>
<td>2016</td>
<td>648.4032</td>
</tr>
<tr>
<td>2017</td>
<td>623.0108</td>
</tr>
<tr>
<td>2018</td>
<td>582.9819</td>
</tr>
<tr>
<td>2019</td>
<td>522.2118</td>
</tr>
<tr>
<td>2020</td>
<td>451.9791</td>
</tr>
<tr>
<td>2021</td>
<td>375.1301</td>
</tr>
<tr>
<td>2022</td>
<td>264.9508</td>
</tr>
<tr>
<td>2023</td>
<td>216.3391</td>
</tr>
<tr>
<td>2024</td>
<td>160.0451</td>
</tr>
<tr>
<td>2025</td>
<td>146.4000</td>
</tr>
<tr>
<td>2026</td>
<td>122.6593</td>
</tr>
</tbody>
</table>

SEC. 552. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2026, among owners and operators of individual fossil-fueled electricity generators in the United States, the emission allowances allocated for that year by section 551.

On page 196, line 1, strike "2020" and insert "2026".

Beginning on page 196, strike line 18 and all that follows through page 197, line 8, and insert the following:

SEC. 561. ALLOCATION.

(a) IN GENERAL.—Not later than 30 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities that manufacture petroleum-based liquid or gaseous fuel in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Allowances for refiners of petroleum-based fuel (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>79.3193</td>
</tr>
<tr>
<td>2013</td>
<td>77.8634</td>
</tr>
<tr>
<td>2014</td>
<td>76.3907</td>
</tr>
<tr>
<td>2015</td>
<td>74.9378</td>
</tr>
<tr>
<td>2016</td>
<td>73.0595</td>
</tr>
<tr>
<td>2017</td>
<td>71.2012</td>
</tr>
</tbody>
</table>
### SEC. 571. ALLOCATION.

(a) In General.—Not later than 330 days before the beginning of each calendar year 2012 through 2026, the Administrator shall allocate a quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of—

1. natural gas processing plants in the United States (other than in the State of Alaska);
2. entities that produce natural gas in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State; and
3. entities that hold title to natural gas, including liquefied natural gas, or natural gas liquid at the time of importation into the United States.

(b) Quantities of Emission Allowances Allocated.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Allowances for petroleum-based fuel (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>33.796</td>
</tr>
<tr>
<td>2019</td>
<td>32.136</td>
</tr>
<tr>
<td>2020</td>
<td>30.1319</td>
</tr>
<tr>
<td>2021</td>
<td>27.6385</td>
</tr>
<tr>
<td>2022</td>
<td>23.5550</td>
</tr>
<tr>
<td>2023</td>
<td>21.1063</td>
</tr>
<tr>
<td>2024</td>
<td>17.7828</td>
</tr>
<tr>
<td>2025</td>
<td>16.7314</td>
</tr>
<tr>
<td>2026</td>
<td>5.7147</td>
</tr>
</tbody>
</table>

Beginning on page 198, strike line 19 and all that follows through page 199, line 8, and insert the following:

SEC. 601. ASSISTING ENERGY CONSUMERS THROUGH LOCAL DISTRIBUTION ENTITIES, LIHEAP PROGRAM, AND WEATHERIZATION ASSISTANCE PROGRAM.

(a) Allocation and Reservation.—

(1) LDC Allocation.—Not later than 330 days before the beginning of each calendar year 2012 through 2031, the Administrator shall allocate among local distribution companies and natural gas local distribution companies the quantities of emission allowances established pursuant to section 201(a) for the calendar year for local distribution companies as specified in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Allowances for LDC’s electricity (in millions)</th>
<th>Allowances for LDC’s natural gas (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>548.6250</td>
<td>187.6875</td>
</tr>
<tr>
<td>2013</td>
<td>552.7275</td>
<td>184.2425</td>
</tr>
<tr>
<td>2014</td>
<td>542.2950</td>
<td>180.7650</td>
</tr>
<tr>
<td>2015</td>
<td>531.9600</td>
<td>177.3200</td>
</tr>
<tr>
<td>2016</td>
<td>521.5275</td>
<td>173.8425</td>
</tr>
<tr>
<td>2017</td>
<td>511.0925</td>
<td>170.3975</td>
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<tr>
<td>2018</td>
<td>500.8575</td>
<td>166.9525</td>
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<tr>
<td>2019</td>
<td>490.6250</td>
<td>163.4750</td>
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<td>2020</td>
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<td>2021</td>
<td>469.6575</td>
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<tr>
<td>2022</td>
<td>459.3225</td>
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<td>2023</td>
<td>448.9875</td>
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<td>2024</td>
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<td>2025</td>
<td>428.2200</td>
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<td>2026</td>
<td>417.8850</td>
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<td>2027</td>
<td>407.5500</td>
<td>135.8600</td>
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<td>2028</td>
<td>397.2140</td>
<td>132.4200</td>
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<td>2029</td>
<td>386.8780</td>
<td>128.9800</td>
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<td>2030</td>
<td>376.5420</td>
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<td>2031</td>
<td>366.2060</td>
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</tr>
<tr>
<td>2032</td>
<td>355.8650</td>
<td>118.6600</td>
</tr>
<tr>
<td>2033</td>
<td>345.5240</td>
<td>115.2200</td>
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<td>2034</td>
<td>335.1830</td>
<td>111.7800</td>
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<td>2035</td>
<td>324.8420</td>
<td>108.3400</td>
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<td>2036</td>
<td>314.4980</td>
<td>104.9000</td>
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<td>2037</td>
<td>304.1540</td>
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<td>2038</td>
<td>293.8100</td>
<td>97.9200</td>
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<td>2039</td>
<td>283.4660</td>
<td>94.3800</td>
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<td>2040</td>
<td>273.1220</td>
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<td>262.7780</td>
<td>87.3000</td>
</tr>
<tr>
<td>2042</td>
<td>252.4340</td>
<td>83.7600</td>
</tr>
<tr>
<td>2043</td>
<td>242.0900</td>
<td>80.2200</td>
</tr>
<tr>
<td>2044</td>
<td>231.7460</td>
<td>76.6800</td>
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<tr>
<td>2045</td>
<td>221.4020</td>
<td>73.1400</td>
</tr>
<tr>
<td>2046</td>
<td>211.0580</td>
<td>69.6000</td>
</tr>
<tr>
<td>2047</td>
<td>200.7140</td>
<td>66.0600</td>
</tr>
<tr>
<td>2048</td>
<td>190.3700</td>
<td>62.5200</td>
</tr>
<tr>
<td>2049</td>
<td>180.0260</td>
<td>58.9800</td>
</tr>
<tr>
<td>2050</td>
<td>169.6820</td>
<td>55.4400</td>
</tr>
</tbody>
</table>

Beginning on page 204, strike line 22 and all that follows through page 206, line 21, and insert the following:
(2) LIHEAP/WAP RESERVATION.—Not later than 330 days before the beginning of each calendar year for local distribution companies, the Administrator shall reserve the following quantities of emission allowances allocated under section 201(a) for the calendar year for local distribution companies as specified in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Allowances for LDC’s electricity (in millions)</th>
<th>Allowances for LDC’s natural gas (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2044</td>
<td>183.2400</td>
<td>40.7200</td>
</tr>
<tr>
<td>2045</td>
<td>172.7100</td>
<td>38.3800</td>
</tr>
<tr>
<td>2046</td>
<td>162.2700</td>
<td>36.0600</td>
</tr>
<tr>
<td>2047</td>
<td>151.8300</td>
<td>33.7400</td>
</tr>
<tr>
<td>2048</td>
<td>141.3900</td>
<td>31.4000</td>
</tr>
<tr>
<td>2049</td>
<td>130.8600</td>
<td>29.0800</td>
</tr>
<tr>
<td>2050</td>
<td>120.3300</td>
<td>26.7400</td>
</tr>
</tbody>
</table>

On page 207, between lines 21 and 22, insert the following:

(2) DISTRIBUTION TO LIHEAP AND WAP.—With respect to the allowances reserved under subsection (a)(2) for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 6861 et seq.), and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), the quantities of emission allowances established pursuant to section 201(a) for the calendar year for local distribution companies as specified in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Allowances for LIHEAP (in millions)</th>
<th>Allowances for Weatherization Program (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>259.8750</td>
<td>115.5000</td>
</tr>
<tr>
<td>2013</td>
<td>255.1050</td>
<td>113.3800</td>
</tr>
<tr>
<td>2014</td>
<td>250.2900</td>
<td>111.2400</td>
</tr>
<tr>
<td>2015</td>
<td>245.5200</td>
<td>109.1200</td>
</tr>
<tr>
<td>2016</td>
<td>240.7500</td>
<td>106.9800</td>
</tr>
<tr>
<td>2017</td>
<td>235.9350</td>
<td>104.8600</td>
</tr>
<tr>
<td>2018</td>
<td>231.1650</td>
<td>102.7400</td>
</tr>
<tr>
<td>2019</td>
<td>226.3500</td>
<td>100.6000</td>
</tr>
<tr>
<td>2020</td>
<td>221.5400</td>
<td>98.4800</td>
</tr>
<tr>
<td>2021</td>
<td>216.7650</td>
<td>96.3400</td>
</tr>
<tr>
<td>2022</td>
<td>211.9950</td>
<td>94.2200</td>
</tr>
<tr>
<td>2023</td>
<td>207.2250</td>
<td>92.1000</td>
</tr>
<tr>
<td>2024</td>
<td>202.4550</td>
<td>89.9600</td>
</tr>
<tr>
<td>2025</td>
<td>197.6400</td>
<td>87.8400</td>
</tr>
<tr>
<td>2026</td>
<td>192.8700</td>
<td>85.7200</td>
</tr>
<tr>
<td>2027</td>
<td>188.0550</td>
<td>83.5800</td>
</tr>
<tr>
<td>2028</td>
<td>183.2850</td>
<td>81.4600</td>
</tr>
<tr>
<td>2029</td>
<td>178.7400</td>
<td>79.3200</td>
</tr>
<tr>
<td>2030</td>
<td>173.7000</td>
<td>77.2000</td>
</tr>
<tr>
<td>2031</td>
<td>168.0875</td>
<td>75.0625</td>
</tr>
<tr>
<td>2032</td>
<td>163.0875</td>
<td>73.0200</td>
</tr>
<tr>
<td>2033</td>
<td>158.0875</td>
<td>70.9800</td>
</tr>
<tr>
<td>2034</td>
<td>153.0875</td>
<td>69.9400</td>
</tr>
<tr>
<td>2035</td>
<td>148.0875</td>
<td>67.9000</td>
</tr>
<tr>
<td>2036</td>
<td>143.0875</td>
<td>65.8625</td>
</tr>
<tr>
<td>2037</td>
<td>138.0875</td>
<td>63.8250</td>
</tr>
<tr>
<td>2038</td>
<td>133.0875</td>
<td>61.7875</td>
</tr>
<tr>
<td>2039</td>
<td>128.0875</td>
<td>59.7500</td>
</tr>
<tr>
<td>2040</td>
<td>123.0875</td>
<td>57.7125</td>
</tr>
<tr>
<td>2041</td>
<td>118.0875</td>
<td>55.6750</td>
</tr>
<tr>
<td>2042</td>
<td>113.0875</td>
<td>53.6375</td>
</tr>
<tr>
<td>2043</td>
<td>108.0875</td>
<td>51.6000</td>
</tr>
<tr>
<td>2044</td>
<td>103.0875</td>
<td>49.5625</td>
</tr>
<tr>
<td>2045</td>
<td>98.0875</td>
<td>47.5250</td>
</tr>
<tr>
<td>2046</td>
<td>93.0875</td>
<td>45.4875</td>
</tr>
<tr>
<td>2047</td>
<td>88.0875</td>
<td>43.4500</td>
</tr>
<tr>
<td>2048</td>
<td>83.0875</td>
<td>41.4125</td>
</tr>
<tr>
<td>2049</td>
<td>78.0875</td>
<td>39.3750</td>
</tr>
<tr>
<td>2050</td>
<td>73.0875</td>
<td>37.3375</td>
</tr>
</tbody>
</table>

On page 207, line 22, strike “(ii)” and insert “(II)”.

On page 207, between lines 21 and 22, insert the following:

(II) includes energy efficiency and other programs.

(III) includes energy efficiency and other programs.

Beginning on page 207, line 22, and all that follows through page 211, line 3.

On page 211, line 4, strike “(IV)” and insert “(II)”. On page 211, strike lines 10 and 11 and insert the following:

(II) includes energy efficiency and other programs.

Beginning on page 211, strike line 18 and all that follows through page 212, line 14, and insert the following:

(II) includes energy efficiency and other programs.

Beginning on page 212, line 15, strike “(IV)” and insert “(II)”. On page 212, line 16, strike “(VI)” and insert “(A)”.

Beginning on page 212, lines 17 and 18, strike “(VI)” and insert “(A)”. On page 212, line 19, strike “(V)” and insert “(A)”. On page 212, line 20, strike “(IV)” and insert “(A)”.
(C) DEVELOPMENT.—A local distribution entity may develop an assistance program under this paragraph—
(i) in consultation with appropriate State regulatory agencies; or
(ii) for the purpose of supplementing an existing low-income consumer assistance plan of the entity.

On page 214, line 5, strike “issuing rebates” and insert “creating incentive programs”.

Beginning on page 214, strike line 14 and all that follows through page 215, line 9, and insert the following:

(B) MINIMUM PERCENTAGE REQUIREMENT.—Each local distribution entity shall use not less than 30 percent of the proceeds of the sale of emission allowances under paragraph (1) to benefit low-income residential energy consumers.

On page 216, line 12, strike “rebates” and insert “incentives”.

SA 4905. Mr. CARPER (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 4255 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 352, between lines 16 and 17, insert the following:

Subtitle E—Intercity Passenger Rail Service Enhancement

SEC. 1151. INTERCITY PASSENGER RAIL FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a Fund to be known as the “InterCity Passenger Rail Fund”.

(b) AUCTIONS.—Annually over the course of at least 4 auctions spaced evenly over a period beginning 330 days before, and ending 60 days after, the beginning of each calendar year from 2012 through 2050, the Administrator, for the purpose of raising funds to deposit in the Fund, shall auction .5 percent of the emission allowances established for that year pursuant to subsection (a) of section 201.

(c) USE OF FUND.—The Fund shall be used to—
(1) support the creation of a national network of high-speed rail service;
(2) support the expansion and modernization of existing rail systems; and
(3) support other programs designed to reduce the greenhouse gas emissions from the transportation sector.

(d) TREATMENT OF AMOUNTS IN THE FUND.—Amounts in the Fund—
(1) may be used only for the purposes described in this section;
(2) shall be in addition to the amounts made available through any other appropriations for any fiscal year; and
(3) shall remain available until expended.

SA 4906. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 611 and insert the following:

SEC. 611. TRANSPORTATION ALTERNATIVES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury the United States a fund, to be known as the “Transportation Alternatives Fund” (referred to in this section as the “Fund”).

(b) AUCTIONS.—
(1) In general.—For each of calendar years 2012 through 2050, the Administrator shall auction, for the purpose of raising funds to deposit in the Fund, 10 percent of the emission allowances established pursuant to section 211 of the Clean Air Act (42 U.S.C. 7541) for that calendar year, in accordance with paragraph (2).

(2) Number; frequency.—For each calendar year during the period described in paragraph (1), the Administrator shall—
(A) conduct not fewer than 4 auctions; and
(B) schedule the auctions in a manner to ensure that—
(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and
(ii) the interval between each auction is of equal duration.

(c) GRANTS.—The Secretary of Transportation (referred to in this section as the “Secretary”) shall establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period beginning on the date of enactment of this Act by 15 percent.

(d) USE OF FUNDS.—
(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—
(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period described in subsection (a) of this section by 15 percent.

(2) NUMBER; FREQUENCY.

(b) USE OF FUNDS.—
(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—
(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period described in subsection (a) of this section by 15 percent.

(2) NUMBER; FREQUENCY.

(c) USE OF FUNDS.—
(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—
(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period described in subsection (a) of this section by 15 percent.

(2) NUMBER; FREQUENCY.

(c) USE OF FUNDS.—
(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—
(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period described in subsection (a) of this section by 15 percent.

(2) NUMBER; FREQUENCY.

(c) USE OF FUNDS.—
(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—
(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period described in subsection (a) of this section by 15 percent.

(2) NUMBER; FREQUENCY.

(c) USE OF FUNDS.—
(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—
(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period described in subsection (a) of this section by 15 percent.

(2) NUMBER; FREQUENCY.

(c) USE OF FUNDS.—
(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—
(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period described in subsection (a) of this section by 15 percent.

(2) NUMBER; FREQUENCY.
SA 4907. Mr. CARPER (for himself, Mr. GREGG, Mrs. FEINSTEIN, Ms. COLLINS, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

In section 552, strike subsection (b) and insert the following:

(b) CALCULATION.—In this subsection:

(1) DEFINITIONS.—In this subsection:

(A) FOSSIL FUEL-FIRED ELECTRIC GENERATOR.—The term “fossil fuel-fired electric generator” means any electric generating facility that—

(i) combusts fossil fuel, alone or in combination with any other fuel, in any case in which the quantity of fossil fuel combusted comprises, or is projected to comprise, more than 20 percent of the annual heat input of the electric generating facility, on a Btuh basis, during any calendar year; and

(ii) produces electricity for sale.

(B) ZONE 2 PROHIBITION. —Any Zone 2 State shall be used to meet the requirement of clause (i).

(ii) LIMITATION. —Only nitrogen oxide allowances allocated under paragraph (3)(A) shall be used to meet the requirement of clause (i).

(3) LIMITATIONS ON TOTAL EMISSIONS.—

(A) ZONE 1 LIMITATIONS. —Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances for emissions of nitrogen oxides from affected units in the Zone 1 States in an amount equal to—

(i) for each of calendar years 2012 through 2015, 2,400,000 tons; and

(ii) for calendar year 2016 and each calendar year thereafter, 2,000,000 tons.

(4) PROHIBITION. —Not later than December 31, 2015, and every 3 years thereafter, the Administrator shall—

(A) Fossil fuel-fired electric generators. —In establishing the system under subsection (a), with respect to fossil fuel-fired electric generators, the Administrator shall base the system on the annual quantity of electricity generated by each fossil fuel-fired electric generator during the most recent calendar year for which data are available, updated each calendar year and measured in megawatt-hours.

(B) New electric generating entrants. —In establishing the system under subsection (a), with respect to new electric generating entrants, the Administrator shall—

(i) for each of calendar years 2012 through 2030, provide for the allocation of a percentage of the emission allowances allocated by section 552 to new electric generating entrants; and

(ii) base the system on projections of electricity output from each new electric generating entrant.

(C) Annual tonnage limitation. —The annual tonnage limitation for emissions of sulfur dioxide during a year in excess of the number of nitrogen oxide allowances held for that year by the owner or operator of the affected unit for that year by the owner or operator of the affected unit.

(D) Fossil fuel-fired electric generators. —In establishing the system under subsection (a), with respect to fossil fuel-fired electric generators, the Administrator shall base the system on the annual quantity of electricity generated by each fossil fuel-fired electric generator during the most recent calendar year for which data are available, updated each calendar year and measured in megawatt-hours.

(E) New electric generating entrants. —In establishing the system under subsection (a), with respect to new electric generating entrants, the Administrator shall—

(i) for each of calendar years 2012 through 2030, provide for the allocation of a percentage of the emission allowances allocated by section 552 to new electric generating entrants; and

(ii) base the system on projections of electricity output from each new electric generating entrant.

(F) RENEWABLE ENERGY UNIT.—The term “renewable energy unit” means any electric generating facility that uses solar energy, wind, hydro, hydropower, biomass, landfill gas, livestock methane, ocean waves, geothermal energy, or fuel cells powered with a renewable energy source.

(2) INTEGRATED AIR QUALITY PLANNING.—

(A) Fossil fuel-fired electric generators. —In establishing the system under subsection (a), with respect to fossil fuel-fired electric generators, the Administrator shall base the system on the annual quantity of electricity generated by each fossil fuel-fired electric generator during the most recent calendar year for which data are available, updated each calendar year and measured in megawatt-hours.

(B) New electric generating entrants. —In establishing the system under subsection (a), with respect to new electric generating entrants, the Administrator shall—

(i) for each of calendar years 2012 through 2030, provide for the allocation of a percentage of the emission allowances allocated by section 552 to new electric generating entrants; and

(ii) base the system on projections of electricity output from each new electric generating entrant.

(C) Annual tonnage limitation. —The annual tonnage limitation for emissions of sulfur dioxide during a year in excess of the number of nitrogen oxide allowances held for that year by the owner or operator of the affected unit for that year by the owner or operator of the affected unit.

(D) RENEWABLE ENERGY UNIT.—The term “renewable energy unit” means any electric generating facility that uses solar energy, wind, hydro, hydropower, biomass, landfill gas, livestock methane, ocean waves, geothermal energy, or fuel cells powered with a renewable energy source.

(2) INTEGRATED AIR QUALITY PLANNING.—

(A) Fossil fuel-fired electric generators. —In establishing the system under subsection (a), with respect to fossil fuel-fired electric generators, the Administrator shall base the system on the annual quantity of electricity generated by each fossil fuel-fired electric generator during the most recent calendar year for which data are available, updated each calendar year and measured in megawatt-hours.

(B) New electric generating entrants. —In establishing the system under subsection (a), with respect to new electric generating entrants, the Administrator shall—

(i) for each of calendar years 2012 through 2030, provide for the allocation of a percentage of the emission allowances allocated by section 552 to new electric generating entrants; and

(ii) base the system on projections of electricity output from each new electric generating entrant.

(C) Annual tonnage limitation. —The annual tonnage limitation for emissions of sulfur dioxide during a year in excess of the number of nitrogen oxide allowances held for that year by the owner or operator of the affected unit for that year by the owner or operator of the affected unit.

(D) RENEWABLE ENERGY UNIT.—The term “renewable energy unit” means any electric generating facility that uses solar energy, wind, hydro, hydropower, biomass, landfill gas, livestock methane, ocean waves, geothermal energy, or fuel cells powered with a renewable energy source.
‘‘(i) for calendar year 2016 and each calen-
dar year thereafter, 1,300,000 tons.

‘‘(B) ZONE 2 LIMITATIONS.—Not later than
330 days before the beginning of calendar year
2012 and each calendar year thereafter, the
Administrator shall allocate allowances for
emissions of nitrogen oxides from af-
fected units in the Zone 2 States in an
annual tonnage and mercury emission require-
ment under this title for—

(i) for each of calendar years 2012 through
2015, 400,000 tons; and

(ii) for calendar year 2016 and each calen-
dar year thereafter, 320,000 tons.

‘‘(c) MERCURY.—The emission of mercury
from affected units shall be limited in ac-
cordance with Section 304.

‘‘(d) Review of Annual Tonnage Limita-
tions and Mercury Emissions Require-
ments.—

(1) Determination by Administrator.—
Not later than 10 years after the date of en-
actment of this title and every 10 years
thereafter, the Administrator shall deter-
mine—

(A) after considering impacts on human
health, the environment, the economy, and
costs, whether 1 or more of the annual ton-
nage limitations and mercury emission re-
quirements under section 704 should be re-
vised, and

(B) whether the mercury emission re-
quirements under section 704 should be re-
vised in accordance with the risk standards
described in subparagraph (a)(1)(B).’’

‘‘(2) Determination not to revise.—If the
Administrator determines under paragraph
(1) that no annual tonnage limitation or
mercury emission requirement should be re-
vised, the Administrator shall publish in the
Federal Register—

(A) a notice of the determination; and

(B) the reasons for the determination.

(3) Determination to revise.—If the Ad-
ministrator determines under paragraph
(1) that 1 or more of the annual tonnage limita-
tions and mercury emission requirements
should be revised, the Administrator shall publish in the Federal Register—

(A) not later than 10 years and 180 days
after the date of enactment of this title, pro-
posed regulations implementing the revi-
sions; and

(B) not later than 11 years and 180 days
after the date of enactment of this title, final
regulations implementing the revi-
sions.

(4) Administration.—The duty of the Ad-
ministrator to make a determination under
paragraph (1) shall be—

(A) considered to be a nondiscretionary
duty;

(B) enforceable through a citizen suit
under section 306; and

(C) subject to rulemaking procedures and
judicial review under section 307.

(5) Requirement.—No revision of an an-
nual tonnage limitation or mercury emission
requirement under this subsection shall re-
sult in a limitation on mercury emission that
is less stringent than an existing appli-
cable requirement under this title.

(e) Reduction of Emissions From Spec-
fied Sources.—Notwithstanding the annual
tonnage limitations and mercury emission
requirements established under this
section, the Federal Government or a State
Governor may require that emis-
sions from a specified affected unit be re-
duced.

(f) General Enforcement.—

‘‘(1) In general.—It shall be unlawful for
any individual or entity subject to this title
at any time after the date of enactment of
this title to violate any requirement or prohibi-
tion under this title.

‘‘(2) Treatment of excess emissions.—In
calculating any penalty for violation of this
title, each ton of emissions of sulfur diox-
ide, nitrogen oxides, and mercury emitted by a
covered unit during a calendar year in excess
of the allowances held for use by the covered
unit for the calendar year shall be considered
to be a separate violation of the applicable
limitation under this title.

‘‘(g) Effect on existing law and regula-
tions.—

(1) In general.—Except as expressly pro-
vided in this title, nothing in this title—

(A) limits the application of any other provision of this Act or any regulation promulgated by the Admin-
istrator under this Act; or

(B) precludes a State from adopting and
enforcing any requirement for the control of
emissions of air pollutants that is more stringent
than the requirements imposed under this title.

(2) Exception.—Notwithstanding para-
graph (1)—

(A) the provisions of the rule promulgated
by the Administrator known as the ‘‘Clean
Air Interstate Rule’’ (70 Fed. Reg. 25162
(May 12, 2005)) (or any successor regulation)
providing for the establishment of an annual
emissions cap and allowance trading pro-
gram for oxides of nitrogen and sulfur diox-
ide shall terminate on January 1, 2012; but

(B) any provision of the rule described in
subparagraph (A) (or a successor regulation)
relating to the establishment of a seasonal
ozone pollutant cap-and-trade program for
mercury emissions shall remain in full force and
effect.

‘‘SEC. 703. NITROGEN OXIDE TRADING
PROGRAM.

‘‘(a) Regulations.—

(1) In general.—Not later than 2 years
after the date of enactment of this title, the
Administrator shall promulgate regulations
to establish for affected units in the United
States a nitrogen oxide allowance trading
program.

(2) Requirements.—Regulations promu-
gulated under paragraph (1) shall establish re-
gulations as the Administrator determines
necessary to—

(A) establish a seasonal, zone-wide nitro-
ogen oxide allowance trading program for
emissions from a specified affected unit;

(B) establish a methodology for allocating ni-
trigen oxide allowances to be set aside for
use by new units in Zone 1 States, and a re-
serve of nitrogen oxide allowances to be set aside
for use by new units in Zone 2 States.

(c) Nitrogen Oxide Allowance Allo-
cations.—

‘‘(1) Use of allowances.—The regula-
tions promulgated under subsection (a)(1) shall—

(A) prohibit the use (but not the transfer
in intercalender year) of allowances estab-
lished under paragraph (1) in the proportion
that—

‘‘(A) the number of allowances allocated to
each affected unit for the calendar year;

(bears to

(B) the number of allowances allocated
to all affected units for the calendar year.

‘‘(c) Nitrogen Oxide Allowance Allo-
cations.—

(1) Timing of allocations.—Not later than
330 days before the beginning of each cal-
endar year after the date of enactment of this
title, the Administrator shall allocate nitro-
ogen oxide allowances to affected units.

(2) Allocations to affected units that
allow new units.—Not later than 2 years
after the date of enactment of this title, the
Administrator shall promulgate regulations
to establish a methodology for allocating nitro-
gen oxide allowances to affected units.

(A) each affected unit in a Zone 1 State
that is not a new unit; and

(B) each affected unit in a Zone 2 State
that is not a new unit.

(3) Quantity to be allocated.—

(A) Zone 1 States.—For each calendar
year, the quantity of nitrogen oxide allow-
ances allocated under paragraph (2)(A) to af-
fected units that are not new units shall be
equal to the difference between—

(i) the annual tonnage limitation for em-
issions from nitrogen oxide affected units
specified in section 702(b)(3)(A) for the cal-
endar year; and

(ii) the quantity of nitrogen oxide allow-
ances allocated in the new unit reserve estab-
lished under subsection (b) for the calendar
year.

(B) Zone 2 States.—For each calendar
year, the quantity of nitrogen oxide allow-
ances allocated under paragraph (2)(B) to af-
fected units that are not new units shall be
equal to the difference between—

(i) the annual tonnage limitation for em-
issions from nitrogen oxide affected units
specified in section 702(b)(3)(B) for the cal-
endar year; and

(ii) the quantity of nitrogen oxide allow-
ances placed in the new unit reserve estab-
lished under subsection (b) for the calendar
year.

(4) Adjustment of allocations.—If, for
any calendar year, the total quantities of al-
lowances allocated under paragraph (2) are
equal to the quantities of nitrogen oxide al-
lowances allocated in the new unit reserve
established under subsection (b) for the calendar
year, the Administrator shall adjust the quan-
tities of allowances allocated to affected units that are not new units on a pro-rata basis so that the
quantities are equal to the quantities
determined under paragraph (3).

(5) Allocation to new units.—

(A) Methodology.—Not later than 2 years
after the date of enactment of this title, the
Administrator shall promulgate regulations
to establish a methodology for allocating ni-
trigen oxide allowances to new units.

(B) Quantity of nitrogen oxide allow-
ces allocated.—The Administrator shall

etermine the quantity of nitrogen oxide al-
lowances to be allocated to each new unit
based on the projected emissions from the
new unit.

(6) Allowance not a property right.—A
nitrogen oxide allowance—

(A) is not a property right; and

(B) may be terminated or limited by the
Administrator.

(7) No judicial review.—An allocation of
nitrogen oxides allowances by the Adminis-
trator under this subsection shall not be subject to
judicial review.

(8) Nitrogen Oxide Allowance Transfer
System.—

‘‘(a) Use of allowances.—The regula-
tions promulgated under subsection (a)(1) shall—

(A) prohibit the use (but not the transfer
in intercalender year) of allowances estab-
lished under paragraph (1) in the proportion
that—

validator
“(B) provide that unused nitrogen oxide allowances may be carried forward and added to nitrogen oxide allowances allocated for subsequent years; and

“(C) provide that unused nitrogen oxide allowances may be transferred by—

“(i) the person to which the allowances are allocated; or

“(ii) any person to which the allowances are transferred.

“(2) USE BY PERSONS TO WHICH ALLOWANCES ARE TRANSFERRED.—Any person to which nitrogen oxide allowances are transferred under paragraph (1)(C)—

“(A) may use the nitrogen oxide allowances in the calendar year for which the nitrogen oxide allowances were allocated; and

“(B) may transfer the nitrogen oxide allowances to any other person for the purpose of demonstrating that compliance.

“(3) CERTIFICATION OF TRANSFER.—A transfer of a nitrogen oxide allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

“(4) REGULATIONS.—An allocation or transfer of nitrogen oxide allowances to an affected unit shall, after recording by the Administrator, be considered to be part of the applicable permit of the affected unit under this Act, without a requirement for any further review or revision of the permit.

“(e) COMPLIANCE AND ENFORCEMENT.—

“(1) IN GENERAL.—For calendar year 2012 and each calendar year thereafter, the operator of each affected unit shall surrender to the Administrator a report on the monitoring of emissions of nitrogen oxides carried out by the owner or operator in accordance with the regulations promulgated under paragraph (2).

“(2) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the affected unit who shall certify the accuracy of the report.

“(f) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emission of mercury from each affected unit.

“(g) EXCESS EMISSIONS.—

“(1) IN GENERAL.—The owner or operator of an affected unit that emits mercury in excess of the emission limitation described in subsection (b) or (c) shall pay an excess emission penalty determined under paragraph (2).

“(2) DETERMINATION OF EXCESS EMISSION PENALTY.—The excess emission penalty for mercury shall be an amount equal to $90,000 for each pound of mercury emitted in excess of the emission limitation described in subsection (b) or (c), as pro-rated for each fraction of a pound.

“SEC. 1753. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

“(a) IN GENERAL.—Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) is amended by adding at the end the following:

“(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate such revisions to the regulations to implement this title as the Administrator determines to be necessary to implement section 702(a).

“(c) NEW UNIT RESERVE.—

“(1) ESTABLISHMENT.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), the Administrator shall establish by regulation a reserve of allowances to be set aside for use by new units.

“(A) Not later than June 30, 2009, the quantity of allowances required to be held in reserve for new units for each calendar years 2013 through 2015; and

“(B) Not later than June 30, 2015, and June 30 of each fifth calendar year thereafter, the quantity of allowances required to be held in reserve for new units for the following 5-calendar year period.

“(2) ALLOCATION.—

“(A) REGULATIONS.—The Administrator shall promulgate regulations to establish a methodology for allocating sulfur dioxide allowances to new units.

“(B) NO JUDICIAL REVIEW.—An allocation of sulfur dioxide allowances by the Administrator under this paragraph shall not be subject to judicial review.

“(c) REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

“(a) DEFINITIONS.—In this section, the terms ‘affected unit’ and ‘new unit’ have the meanings given in the terms in section 701.

“(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate such revisions to the regulations to implement this title as the Administrator determines to be necessary to implement section 702(a).

“(c) NEW UNIT RESERVE.—

“(1) ESTABLISHMENT.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), the Administrator shall establish by regulation a reserve of allowances to be set aside for use by new units.

“(A) Not later than June 30, 2009, the quantity of allowances required to be held in reserve for new units for each calendar years 2013 through 2015; and

“(B) Not later than June 30, 2015, and June 30 of each fifth calendar year thereafter, the quantity of allowances required to be held in reserve for new units for the following 5-calendar year period.

“(2) ALLOCATION.—

“(A) REGULATIONS.—The Administrator shall promulgate regulations to establish a methodology for allocating sulfur dioxide allowances to new units.

“(B) NO JUDICIAL REVIEW.—An allocation of sulfur dioxide allowances by the Administrator under this paragraph shall not be subject to judicial review.

“(d) EXISTING UNITS.—

“(1) ALLOCATION.—

“(A) REGULATIONS.—Not later than 2 years after the date of enactment of this section, subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), and subject to the reserve of allowances for new units under subsection (c), the Administrator shall promulgate regulations to govern the allocation of allowances to affected units that are not new units.
"(B) REQUIRED ELEMENTS.—The regulations shall provide for—

"(i) the allocation of allowances on a fair and equitable basis between affected units that are currently operating facilities and affected units that are not new units and that did not receive allowances under that section, using for both categories of units the same methodological approach as was used under section 405; and

"(ii) the pro-rata distribution of allowances to all units described in clause (i), subject to the beginning of the calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances to affected units.

"(B) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.

(b) DEFINITION OF ALLOWANCE.—Section 402 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7661a) is amended by striking paragraph (3) and inserting the following:

"(3) ALLOWANCE.—The term ‘‘allowance’’ means an authorization, allocated by the Administrator to an affected unit under this title, to emit, emitting, or after a specified calendar year, a quantity of sulfur dioxide determined by the Administrator and specified in the regulations promulgated under section 417(b).

(c) EXCESS EMISSIONS.—Section 411 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7661i) is amended by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—The owner or operator of a new unit or an affected unit that emits sulfur dioxide in excess of the quantity of sulfur dioxide allowances that the owner or operator holds for use for the new unit or affected unit for the calendar year shall—

"(1) pay an excess emission penalty determined under subsection (b); and

"(2) offset the excess emissions by at least an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

"(b) DETERMINATION OF EXCESS EMISSION PENALTY.—

"(1) IN GENERAL.—The excess emission penalty for sulfur dioxide shall be equal to the product obtained by multiplying—

"(A) the quantity of sulfur dioxide emitted in excess of the total quantity of sulfur dioxide allowances held; and

"(B) 2 times the average price of a sulfur dioxide allowance for the calendar year in which the excess emissions occurred, as determined by the Administrator.

"(2) TREATMENT.—An excess emission penalty under paragraph (1) shall be non-refundable and payable without demand to the Administrator, in accordance with applicable regulations promulgated by the Administrator, by not later than 18 months after the date of enactment of the Lieberman-Warner Climate Security Act of 2008; and

"(B) shall not diminish the liability of the owner or operator of the affected unit with respect to any fine, penalty, or assessment applicable to the affected unit for the same violation under any other provision of this Act.

(d) TECHNICAL AMENDMENTS.—

(1) Title IV of the Clean Air Act relating to noise pollution (42 U.S.C. 7641 et seq.).

(A) redesignates sections 401 through 403 as sections 801 through 803, respectively; and

(B) is redesignated as title VIII and moved to appear at the end of that Act.

(2) The table of contents for title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7661) is amended by adding at the end the following:

"Sec. 417. Revisions to sulfur dioxide allowance program."

SA 4909. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to develop a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XIII, add the following:

**SEC. 1308. TRANSITION TO COMPARABLE ACTION IN EXPORT COUNTRIES.**

(a) FINDING.—Congress finds that the purpose described in section 1302 can be achieved while maintaining the growth and volume of United States exports of carbon-intensive traditional energy sources to countries that have not yet adopted comparable action to regulate greenhouse gas emissions.

(b) DEFINITIONS.—In this section:

"(1) CURRENTLY OPERATING FACILITY.—The term ‘‘currently operating facility’’ has the meaning given in section 542(a).

"(2) DIRECT EXPORT.—The term ‘‘direct export’’ means a product manufactured in an eligible manufacturing facility and shipped to a destination outside of the customs territory of the United States without further processing.

"(3) ELIGIBLE MANUFACTURING FACILITY.—The term ‘‘eligible manufacturing facility’’ means the meaning given in section 542(a).

"(4) INDIRECT EXPORT.—The term ‘‘indirect export’’ means a product manufactured in an eligible manufacturing facility and further processed in the United States prior to shipment outside of the customs territory of the United States.

"(c) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, to owners and operators of eligible manufacturing facilities, international reserve allowances distributed under title V.

"(d) LIMITATION ON QUANTITY FOR DISTRIBUTION.—The quantity of allowances distributed to the owner or operator of a currently operating facility for the most recent year in the relevant calculation under section 542(a); and

"(2) the average value of the emission allowances allocated to the owner or operator of the currently operating facility under section 542(e).

SA 4910. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE 49—AVIATION AND INTERCITY TRANSPORTATION**

**SEC. 001. DEVELOPMENT OF ALTERNATIVE FUELS FOR AIRCRAFT.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall research and develop viable alternative fuels whose usage results in less greenhouse gas emissions than existing jet fuel for commercial aircraft.

(b) PLAN.—Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) develop a research and development plan for the program described in subsection (a), containing specific research and development objectives and a timetable for achieving the objectives; and

(2) submit a copy of the plan to Congress.

**SEC. 002. AIRCRAFT ENGINE STANDARDS.**

Section 47715(a) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) To relieve and protect the public health and welfare from aircraft noise, sonic boom, and aircraft engine emissions, the Administrator of the Federal Aviation Administration shall—"
Agency as deemed necessary, shall pre-
scribe—

(A) standards to measure aircraft noise and sonic boom;

(B) regulations to control and abate aircraft noise and sonic boom; and

(C) emission standards applicable to the emission of any air pollutant from any class or category of aircraft, engines which, in the judgment of the Administrator, causes, or contributes to, air pollution which may rea-
sonably be anticipated to endanger public health or welfare;

(2) indenting paragraphs (2) and (3) 2 em spaces from the left margin.

SEC. 605. AIRCRAFT DEPARTURE MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary of Trans-
portation shall carry out a pilot program at
not more than 5 public use airports under which the Federal Aviation Administration shall test air traffic flow management tools, methodologies, and procedures, as well as other operational improvements that will allow the agency to better supervise aircraft on the ground, reduce the length of ground holds and staffing for time, and pro-
\n\n(e) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improve-
ments in ground control efficiencies are likely to achieve the greatest fuel savings or air quality improvements, measured by the amount of reduced fuel, re-
duced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transpor-
tation and Infrastructure of the and the Sen-
ate Committee on Commerce, Science, and Trans-
portation containing:

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures used to provide the greatest fuel savings and air quality and other environmental ben-
efits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which aircraft were operating;

(2) an identification of anticipated environ-
mental and economic benefits from imple-
mented tools, methodologies, and procedures developed under the pilot pro-
gram at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary’s reasons for not im-
plementing such measures at other airports;

and

(4) such other information as the Secretary considers appropriate.

SEC. 606. IMPROVEMENTS TO OFFICE OF CLIM-
ATE CHANGE AND ENVIRONMENT.

Section 102(g) of title 49, United States Code, is amended by adding at the end there-
of the following:

(‘‘3’’) ASSESSMENT OF FEDERALLY FUNDED MAJOR TRANSPORTATION INVESTMENTS.—

(A) Beginning 1 year after the date of en-
actment of the Lieberman-Warner Climate Security Act, the [office shall] couple numerous and time-consuming methodologies used to estimate those sav-
ings, or for customer-locally-based renewable energy supplies, in the resi-
dential, commercial, and industrial sectors under the oversight of the regulatory aген-
cies of local distribution companies, or a third-party selected by the regulatory aген-
\n\nSA 4911. Mr. WHITEHOUSE sub-
mitted an amendment intended to be
proposed by him to the bill S. 3036, to
direct the Administrator of the Envi-
ronmental Protection Agency to estab-
lish a program to decrease emissions of

SA 4912. Mr. WHITEHOUSE sub-
mitted an amendment intended to be
proposed by him to the bill S. 3036, to
direct the Administrator of the Envi-
ronmental Protection Agency to estab-
lish a program to decrease emissions of

SA 4912. Mr. WHITEHOUSE sub-
mitted an amendment intended to be
proposed by him to the bill S. 3036, to
direct the Administrator of the Envi-
ronmental Protection Agency to estab-
lish a program to decrease emissions of

SA 4912. Mr. WHITEHOUSE sub-
mitted an amendment intended to be
proposed by him to the bill S. 3036, to
direct the Administrator of the Envi-
ronmental Protection Agency to estab-
lish a program to decrease emissions of

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mitted an amendment intended to be
proposed by him to the bill S. 3036, to
direct the Administrator of the Envi-
ronmental Protection Agency to estab-
lish a program to decrease emissions of

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mitted an amendment intended to be
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ronmental Protection Agency to estab-
lish a program to decrease emissions of

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mitted an amendment intended to be
proposed by him to the bill S. 3036, to
direct the Administrator of the Envi-
ronmental Protection Agency to estab-
lish a program to decrease emissions of

SA 4912. Mr. WHITEHOUSE sub-
mitted an amendment intended to be
proposed by him to the bill S. 3036, to
direct the Administrator of the Envi-
ronmental Protection Agency to estab-
lish a program to decrease emissions of
greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 196, strike line 15 and all that follows through page 198, line 16.

Strike the table that appears on page 203 after line 2 and insert the following:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage for auction for Climate Change Consumer Assistance Fund</th>
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<td>2013</td>
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</table>

On page 204, between lines 2 and 3, insert the following:

SEC. 584. USE OF FUNDS.

(a) IN GENERAL.—Subject to section 585, of amounts deposited in the Climate Change Consumer Assistance Fund under section 583, the Administrator shall use—

(1) of the proceeds from the auction of the initial 14 percent of the percentage of emission allowances auctioned under section 582 for each calendar year—

(A) the proceeds are not less than 50 percent to provide assistance to low-income households under the program described in subsection (b); and

(B) not less than 50 percent to provide an earned income tax credit in accordance with subsection (c); and

(2) the remaining proceeds from auctions under section 582 to carry out other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act in accordance with subsection (d).

(b) PROGRAM FOR OFFSETTING IMPACTS ON LOWER-INCOME AMERICANS.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ‘‘Administrator’’ means—

(i) the head of a Federal agency designated by the Administrator for the purposes of this subsection.

(B) ELDERLY OR DISABLED MEMBER.—The term ‘‘elderly or disabled member’’ has the meaning given in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

(C) GROSS INCOME.—The term ‘‘gross income’’ means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

(D) HOUSEHOLD.—The term ‘‘household’’ means—

(i) an individual who lives alone; or

(ii) a group of individuals who live together.

(E) POVERTY LINE.—The term ‘‘poverty line’’ has the meaning given in section 673(b) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

(F) PROGRAM.—The term ‘‘Program’’ means the Climate Change Rebate Program established under paragraph (2).

(G) STATE.—The term ‘‘State’’ means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Marianas Islands;

(vii) the United States Virgin Islands.

(H) STATE AGENCY.—

(i) IN GENERAL.—The term ‘‘State agency’’ means an agency of State government that has responsibility for the administration of 1 or more federally aided public assistance programs within the State.

(ii) INCLUSIONS.—The term ‘‘State agency’’ includes—

(I) a local office of a State agency described in clause (i); and

(II) in a case in which federally aided public assistance programs of a State are operated on a decentralized basis, a counterpart local agency that administers 1 or more of those programs.

(2) CLIMATE CHANGE REBATE PROGRAM.—

The Administrator shall establish and carry out a program, to be known as the Climate Change Rebate Program under which, at the request of a State agency, eligible low-income households within the State shall be provided an opportunity to receive compensation, through the issuance of a monthly rebate, for use in paying certain increased energy-related costs resulting from the regulation of greenhouse gas emissions under this Act.

(3) ELIGIBILITY.—The Administrator shall limit participation in the Program to—

(A) households that are eligible to receive if adequate funds had been available and that meet the gross income test and the asset test standards described in section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

(B) households that do not meet those standards, but that include 1 or more individuals who meet the standards described in section 8B01D-14 of the Social Security Act (42 U.S.C. 1395w-114).

(C) LIMITATION.—The Administrator shall establish additional eligibility criteria to ensure that—

(i) only United States citizens, United States nationals, and lawfully residing immigrants are eligible to receive a rebate under the Program; and

(ii) each household does not receive more than 1 rebate per month under the Program.

(d) MONTHLY REBATE AMOUNT.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The rebate available under the Program for each month of a calendar year shall be established by the Energy Information Administration, in consultation with other appropriate Federal agencies, by not later than October 1 of the preceding calendar year.

(ii) LIMITATION.—The aggregate amount of rebates distributed in any given year shall not exceed the amount described in subsection (a)(4).

(iii) SHORTAGE.—If the amount described in subsection (a)(4) is inadequate to provide monthly rebates to all eligible households, the Administrator shall devise an equitable proration to ensure that all eligible households receive the same portion of the full rebate the eligible households would have been eligible to receive if adequate funds had been provided.

(B) METHOD OF CALCULATION.—With respect to the calculation of a monthly rebate under this paragraph—

(i) the maximum monthly rebate provided to a household during any calendar year shall be equal to 1⁄4 of the projected average annual increase in the costs of goods and services for that calendar year that results from the regulation of greenhouse gas emissions under this Act, taking into consideration—

(I) the size of the household; and

(II) direct and indirect energy costs for consumers in the lowest-income quintile as projected by the regulation of greenhouse gas emissions, net of the effect of any projected increase in Federal benefits resulting from higher cost-of-living adjustments based on higher energy-related costs;

(ii) each quintile referred to in clause (i)(II) shall—

(I) be based on income adjusted to account for household size; and

(II) represent an equal number of individuals; and

(iii) the amount shall be adjusted by household size, except that the same maximum rebate shall be—

(I) provided to households of 5 or more individuals; and

(II) based on the average cost increases for households of 5 or more individuals.

(C) GREATER THAN 130 PERCENT OF POVERTY LINE.—A household with a gross income that is greater than 130 percent of the poverty line shall not be eligible for a monthly rebate under this subsection.

(5) DELIVERY MECHANISM.—An eligible household shall receive a rebate through an electronic benefit transfer or direct deposit into a bank account designated by the eligible household.

(6) ADMINISTRATION.—

(A) IN GENERAL.—The State agency of each participating State shall assume responsibility for—

(i) the certification of households applying for monthly rebates under this subsection; and

(ii) the issuance, control, and accountability of those rebates.

(B) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—

(i) IN GENERAL.—Subject to such standards and requirements established by the Administrator, the Administrator shall reimburse each State agency for a portion, as described in clauses (ii) and (iii), of the administrative costs incurred by the State agency of the Program.

(ii) INITIAL 3 YEARS.—During the first 3 fiscal years of operation of the Program, the Administrator shall reimburse each State agency for—

(I) 75 percent of the administrative costs of delivering monthly rebates under this subsection; and

(II) 75 percent of any automated data processing improvements or electronic benefit costs incurred by the State agency in connection with the Program.
(H) Green roofs absorb air pollution, collect airborne particulates, and store carbon.

(I) Green roofs protect underlying roof material by eliminating exposure to the sun’s ultraviolet rays and extreme daily temperature fluctuations.

(J) Green roofs reduce noise transfer from the outdoors.

(K) Green roofs insulate a building from extreme temperatures, mainly by keeping the building interior cool in the summer.

(2) Purpose.—The purpose of this section is to encourage the construction of green roofs whereby—

(A) reducing rooftop temperatures and heat transfer; decreasing summertime indoor temperatures;

(B) lessening pressure on sewer systems through the absorption of rainwater;

(C) filtering pollution; including heavy metals and excess nutrients;

(D) protecting underlying roof material;

(E) reducing noise;

(F) providing a habitat for birds and other small animals;

(G) improving the quality of life for building inhabitants; and

(H) reducing the urban heat island effect by decreasing rooftop temperatures.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(4) 30 percent of the qualified green roof property expenditures made by the taxpayer during such taxable year are eligible for the credit allowed under subsection (a).
SA 4914. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—NUCLEAR POWER PLANTS

SEC. 1801. CONSTRUCTION PERMITS AND OPERATING LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by striking subsection (b) and inserting the following:

"(b)蘭license under this subsection, the Commission shall issue to the applicant a combined construction and operating license, if—

"(A) the application contains sufficient information to support the issuance of a combined license; and

"(B) the Commission determines that there is reasonable assurance that the facility—

"(i) will be constructed; and

"(ii) will operate in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

"(C) such license is issued, the Commission shall—

"(i) ensure that each required inspection, test, and analysis is performed; and

"(ii) will be operated in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

"(3) ACTION BY COMMISSION.—

"(A) IN GENERAL.—After issuing a combined license under this subsection, the Commission shall—

"(i) only a purchaser of a hybrid commercial vehicle weighing at least 8,500 pounds, or a diesel particulate filter installed on a commercial diesel vehicle weighing at least 8,500 pounds and nonroad equipment with an engine rating of at least 75 horsepower, shall be eligible for grants under subsection (a); and

"(B) the purchaser of a qualifying hybrid vehicle or verified diesel particulate filter shall have certainty, at the time of purchase, of—

"(A) the amount of the grant to be provided; and

"(B) the time at which grant funds shall be available;

"(3) the amount of—

"(A) the amount provided under subsection (a)(1)(A) shall increase in direct proportion to the fuel efficiency of a commercial vehicle to be purchased using funds from the grant; and

"(B) the amount provided under subsection (a)(1)(B) shall increase in direct proportion to the reduction in black carbon emissions from those diesel vehicles or nonroad equipment under subsection (a); and

"(4) the amounts made available to provide grants under subsection (a)(1) shall be allocated by the Administrator for at least 3 classes of vehicle weight, to ensure—

"(A) adequate availability of grant funds for different categories of commercial vehicles; and

"(B) that the amount of a grant provided for the purchase of a heavier, more expensive vehicle is proportional to the amount of a grant provided for the purchase of a lighter, less expensive vehicle; and

"(2) the purchaser of a qualifying hybrid commercial vehicle or nonroad equipment with a verified diesel particulate filter to be purchased using funds from the grant;

"(3) the amount provided per grant under subparagraph (A) or (B) of subsection (a)(1) shall decrease over time to encourage early purchases of qualifying commercial hybrid vehicles or verified diesel particulate filters, respectively.

"(4) the amounts made available to provide grants under subsection (a)(1) shall be allocated by the Administrator for at least 3 classes of vehicle weight, to ensure—

"(A) adequate availability of grant funds for different categories of commercial vehicles; and

"(B) that the amount of a grant provided for the purchase of a heavier, more expensive vehicle is proportional to the amount of a grant provided for the purchase of a lighter, less expensive vehicle; and

"(5) the amount provided per grant under subparagraph (A) or (B) of subsection (a)(1) shall decrease over time to encourage early purchases of qualifying commercial hybrid vehicles or verified diesel particulate filters, respectively.

On page 43, strike lines 1 through 5 and insert the following:

"(10) CARBON DIOXIDE EQUIVALENT.—The term "carbon dioxide equivalent" means, for each HFC, non-HFC greenhouse gas, black carbon, or tropospheric ozone precursor, the HFC, non-HFC greenhouse gas, black carbon, or tropospheric ozone precursor that has the same contribution to global warming as 1 metric ton of carbon dioxide.

On page 19, strike lines 11 through 16 and insert the following:

"(1) PROGRAM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Administrator shall—

"(A) purchase of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency of those commercial vehicles; and

"(B) purchase and installation on existing medium- and heavy-duty diesel commercial vehicles or commercial nonroad equipment of diesel particulate filters that are verified by the Administrator or the California Air Resources Board, based on demonstrated reductions of black carbon emissions from those diesel vehicles or nonroad equipment.

"(2) NO DUPLICATE ASSISTANCE.—No entity receiving grants for diesel retrofits under this Act or any other Federal program shall receive payment under this subsection for emission reductions for the same diesel engine.
On page 51, line 13, insert “and black carbon” after “greenhouse gas.”

SEC. 124. STUDY BY ADMINISTRATOR OF BLACK CARBON, METHANE, AND TROPOSPHERIC OZONE PRECURSOR EMISSIONS.

(a) STUDY.—The Administrator shall conduct a study of black carbon, methane, and tropospheric ozone precursor emissions, including—

(1) an identification of the major sources of black carbon, methane, and tropospheric ozone precursor emissions in the United States and throughout the world, and an estimate of the quantity of the effects on the climate caused by the emissions, from those sources;

(b) key outstanding research questions that constrain the ability to provide the information described in subparagraph (A), including the development of a 2-year research plan and recommendations for funding; and

(c) the most effective and cost-effective strategies for additional domestic and international reductions in black carbon, methane, and tropospheric ozone and the likely climate benefits of each of those reductions, including—

(i) ways to expand the effectiveness of the existing “methane-to-markets” program;

(ii) strategies to reduce methane emissions from major sources, including landfills, coal mines, combined animal feeding operations, pipelines, and rice cultivation;

(iii) the latest scientific information and data relevant to the climate-related impacts of black carbon emissions from diesel engines and other sources;

(iv) carbon dioxide equivalency factors for black carbon classified by specific black carbon sources, and the establishment of such factors pursuant to section 202(l);

(v) carbon dioxide equivalency factors for precursors of tropospheric ozone, and establishment of those factors pursuant to section 202(l);

(vi) eligible diesel and other direct emission control technologies that remove black carbon effectively;

(vii) full lifecycle and net climate impacts of installation of diesel particulate filters on existing diesel on- and off-road engines, including verification of those lifecycles and impacts; and

(viii) diesel and other direct emission control technologies, operations, or strategies that remove black carbon, including measures to develop estimates of costs and effectiveness; and

(2) recommendations of the Administrator regarding—

(A) areas of focus for additional research for technologies, operations, and strategies with the highest potential to reduce black carbon, methane, and tropospheric ozone precursor emissions;

(B) actions that the Federal Government could take to encourage or require additional black carbon, methane, and tropospheric ozone precursor emission reductions; and

(C) the development of a climate-beneficial tropospheric ozone reduction strategy, and a description of the relationship of that strategy to the ozone reduction strategy in effect as of the date of enactment of this Act.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

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

SEC. 312. BLACK CARBON REDUCTION OFFSET PROGRAM.

Offset projects described in section 302(b)(2)(F) shall not be subject to sections 303 through 310.

SEC. 413. REDUCING BLACK CARBON AND METHANE EMISSIONS OVER THE SHORT TERM.

(1) REDUCTION OF BLACK CARBON EMISSIONS FROM DIESSEL ENGINES.

(A) IN GENERAL.—The Administrator shall use a portion of the proceeds from each cost-containment auction for each of calendar years 2018 through 2019 to carry out the program established by the Administrator under subparagraph (B).

SEC. 423. DISTRIBUTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a program that includes a system for distributing to individual entities the emission allowances established pursuant to section 1141 based on verified reductions in black carbon emissions.

SEC. 431. PROGRAM.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall by regulation establish a program to achieve annual, additional, permanent, and enforceable reductions in emissions of black carbon from diesel engines on heavy-duty vehicles and nonroad equipment in the United States.

(2) DETERMINATION OF CARBON DIOXIDE EQUIVALENTS FOR GREENHOUSE GASES, BLACK CARBON, AND TROPOSPHERIC OZONE PRECURSORS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall determine the carbon dioxide equivalent for—

(A) each HFC and non-HFC greenhouse gas; and

(B) carbon black and tropospheric ozone precursor, if the Administrator first determines that equivalents can be established with reasonable scientific certainty.

On page 80, line 14, insert “and black carbon” after “greenhouse gas”.

On page 80, line 21, insert “and black carbon” after “greenhouse gas”.

On page 80, strike lines 23 through 25.

On page 81, line 1, strike “(4)” and insert “(5)”.

On page 81, line 4, strike “(v)” and insert “(vi)”.

On page 61, line 5, insert “and black carbon” after “greenhouse gas”.

On page 81, line 7, insert “‘and’” after the semicolon.

On page 81, strike lines 8 and (9) and insert the following:—

(5) with respect to offsets from agricultural, forestry, or other land use-related projects—

(A) require that the project developer for an offset project establish the project baseline and register emissions with the Registry;

(B) establish procedures for project initiation and approval, in accordance with section 304;

(C) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 305;

(D) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(E) assign a unique serial number to each offset allowance issued under this section.

On page 81, strike lines 10 through 17.

On page 85, strike lines 10 through 12 and insert the following:

(F) reductions in black carbon emissions from heavy-duty diesel engines and diesel nonroad equipment operating in the United States, the quantities of which are determined as a determination of the carbon dioxide equivalent for black carbon under section 202(l); and

(G) any other category proposed by the Administrator by regulation.

On page 86, line 11, strike “include” and insert “with respect to agricultural, forestry, or other land use-related offset projects,”

On page 91, line 12, insert “for agricultural, forestry, or other land use-related offset projects,” and in section 304.

On page 112, between lines 2 and 3, insert the following:

SEC. 1142. DISTRIBUTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a program that includes a system for distributing to individual entities the emission allowances established pursuant to section 1141 based on verified reductions in black carbon emissions.

On page 438, line 10, insert “; the reduction of black carbon emissions,” after “sustainable economic growth.”

SA 4916. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. JOHN- son, Mr. THUNE, Mr. SALAZAR, Mr. SMITH, Mr. BARRASSO, Mr. ENZI, Mrs. FEINSTEIN, Mr. CRAPO, and Ms. CANT- WELL) submitted an amendment in- tending to be proposed to him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agen- cy to establish a program to decrease emissions of greenhouse gases, and for...
SEC. 1404. DISBURSEMENTS FROM FUND.

No disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

TITLE FUEL ASSISTANCE FUND

SEC. 01. FUEL ASSISTANCE FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund, to be known as the “Fuel Assistance Fund”.

(b) DEPOSITS.—The Administrator shall de-

posit such proceeds of auctions conducted pursuant to subsection 1402 as may be necessary to provide sufficient funds for the purposes of subsections (e), (f), and (g).

(c) DISBURSEMENTS.— The Administrator shall, without further appropriation, trans-

fer such funds from the Fuel Assistance Fund to the Highway Trust Fund and the Airports and Airways Trust Fund as are nec-

essary to equal the reduction in revenues transferred to such Trust Funds resulting from the operation of section 92.

SEC. 02. RATE REDUCTION IN FEDERAL MOTOR FUEL EXCISE TAXES EQUIVALENT TO INCREASE IN MOTOR FUEL PRICES RESULTING FROM THIS ACT.

The Administrator of the Energy Informa-

tion Administration shall determine and in-

form to the Secretary of the Treasury on a quarterly basis any necessary reduction in the rates of tax under sections 4941 and 4941 of the Internal Revenue Code of 1986 equivalent to the estimated increase in prices in the motor fuels subject to such rates of tax resulting from the operation of this Act for such quarter. In making any such provision of the Internal Revenue Code of 1986, the Secretary of the Treasury shall by regulation provide for such quarterly reduc-

tions through the use of floor stock refunds and floor stock taxes.

SA 4919. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Admin-

istrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse
gases, and for other purposes; which was ordered to lie on the table; as fol-

lows:

On page 291, insert the following:

(10) Municipal solid waste.

SA 4918. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Admin-

istrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse
gases, and for other purposes; which was ordered to lie on the table; as fol-

ows:

On page 291, lines 4 and 5, insert the following:

(19) Municipal solid waste.

SA 4917. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Ad-

ministrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse
gases, and for other purposes; which was ordered to lie on the table; as fol-

ows:

On page 291, between lines 4 and 5, insert the following:

(10) Municipal solid waste.

SA 4920. Mr. REID (for Mr. BYRD for him-
self, Mrs. MURRAY, Mr. DORGAN, Mr. LEAHY, Mr. DURBIN, Mrs. FEIN-
STEIN, and Ms. MUKULSKI) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environ-

mental Protection Agency to establish a program to decrease emissions of greenhouse
gases, and for other purposes; which was ordered to lie on the table; as fol-

ows:

On page 143, strike line 24 and insert the following:

(2) shall be available for expenditure only to pay for the costs of carrying out the activities described in section 614(d);
(4) shall remain available until expended.

SEC. 1332. REPORTS.

SEC. 1332. REPORTS.

(i) credited as offsetting collections to carry out activities authorized under section 1332;

(ii) available for expenditure only to pay the costs of carrying out the program under such section; and

(iii) available only to the extent provided for in advance in an appropriations Act.

At the end of the bill, insert the following:

SEC. 1333. SECURITIES AND EXCHANGE COMMISSION.

Withholding any provision of title III of the Congressional Budget Act of 1974, for fiscal year 2012 and thereafter, the Committeest on the Budget of the Senate and of the House of Representatives shall treat any amounts in this Act that—

(1) are credited as offsetting collections; and

(2) are available only to the extent provided for in advance in an appropriations Act; as discretionary offsets to appropriations made in annual appropriations Acts.

SA 4921. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

Subtitle C—Nuclear Power Generation and Manufacturing

PART 1. NUCLEAR POWER TECHNOLOGY AND MANUFACTURING

SEC. 921. DEFINITIONS.

In this part:

(1) ENGINEERING INTEGRATION COSTS.—The term “engineering integration costs” includes the costs of engineering tasks relating to—

(A) the redesign of manufacturing processes to produce qualifying components and nuclear power generation technologies;

(B) the design of new tooling and equipment for production facilities that produce qualifying components and nuclear power generation technologies; and

(C) the establishment or expansion of manufacturing operations for qualifying components and nuclear power generation technologies.

(2) NUCLEAR POWER GENERATION.—The term “nuclear power generation” means generation of electricity by an electric generation unit that—

(A) emits no carbon dioxide into the atmosphere;

(B) uses uranium as its fuel source; and

(C) was placed into commercial service after the date of enactment of this Act.

SEC. 922. NUCLEAR POWER TECHNOLOGY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Nuclear Power Technology Fund”.

(b) BUDGETARY TREATMENT.

Notwithstanding any provision of title III of the Congressional Budget Act of 1974, for fiscal year 2012 and thereafter, the Committeest on the Budget of the Senate and of the House of Representatives shall treat any amounts in this Act that—

(1) are credited as offsetting collections; and

(2) are available only to the extent provided for in advance in an appropriations Act; as discretionary offsets to appropriations made in annual appropriations Acts.
(B) for each of calendar years 2002 through 2010, 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year; and

(C) for each of calendar years 2011 through 2050, 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) AMOUNT; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) clear the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) Deposits.—Immediately upon the receipt of proceeds of auctions conducted pursuant to subsection (b), the Administrator shall deposit all of the proceeds into the Nuclear Power Technology Fund.

(d) Use of Funds.—For each of calendar years 2012 through 2050, all funds deposited in the Nuclear Power Technology Fund for the preceding fiscal year under subsection (c) shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established under section 924 to support the financial incentives program established under section 924.

SEC. 925. SPENT FUEL RECYCLING PROGRAM.

(a) Purpose.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste generated and reduces the risk of proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(b) Use of Funds.—The Secretary shall use the amounts made available to carry out this section to make awards to entities for the manufacture of new nuclear power generation technology.

(c) Selection Criteria.

(1) IN GENERAL.—The Climate Change Technology Board shall use the amounts made available to carry out this section to make awards to entities for the manufacture of new nuclear power generation technology.

(2) AMOUNT.—The Climate Change Technology Board shall use the amounts made available to carry out this section to make awards to entities for the manufacture of new nuclear power generation technology.

SEC. 926. SELECTION CRITERIA.

In making awards under this part to producers, manufacturers, and suppliers of nuclear power generation technology and qualifying components, the Climate Change Technology Board shall select producers, manufacturers, and suppliers that—

(1) document the greatest use of domestically-sourced parts and components;

(2) return to productive service existing idle manufacturing capacity;

(3) are located in States with the greatest availability of unemployed manufacturing workers;

(4) demonstrate a high probability of commercial success;

(5) meet other appropriate criteria, as determined by the Climate Change Technology Board.

PART II.—ACCELERATED DEPRECIATION

SEC. 931. 5-YEAR ACCELERATED DEPRECIATION PERIOD FOR NEW NUCLEAR POWER PLANTS.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting ‘‘;” and, by inserting after clause (vi) the following new clause:

“(vii) any advanced nuclear power facility (as defined in section 45J(d)(1), determined without regard to subparagraph (B) thereof) the original use of which commences with the taxpayer after December 31, 2008.”;

(b) Conforming Amendment.—Section 162(f)(4)(E)(ii) of the Internal Revenue Code of 1986 is amended by inserting “and not described in subparagraph (B)(vii) of this paragraph” after “section 162(f)(4)(E).”

The amendments made by this section shall apply to property placed in service after December 31, 2008.

SA 4922. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII.—NUCLEAR POWER

SEC. 1801. AUTHORIZATION FOR NUCLEAR POWER 2010 PROGRAM.

Section 8301(c) of the Energy Policy Act of 2005 (42 U.S.C. 16101) is amended by striking paragraphs (1) and (2) and inserting the following:

In general.—The Secretary shall carry out a Nuclear Power 2010 Program to position the nation to start construction of new nuclear power plants by 2010 or as close to 2010 as achievable.

“(2) Scope of program.—The Nuclear Power 2010 Program shall be cost-shared with the private sector and shall support the following objectives:

“(A) Demonstrating the licensing process for new nuclear power plants, including the
established under this section.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

(A) $159,600,000 for fiscal year 2009;

(B) $155,900,000 for fiscal year 2010;

(C) $146,900,000 for fiscal year 2011;

(D) $2,200,000 for fiscal year 2012.

SEC. 1802. DOMESTIC MANUFACTURING BASE STIMULATION—NUCLEAR COMPONENTS AND EQUIPMENT.

(a) ESTABLISHMENT OF INTERAGENCY WORKING GROUP.—

(1) PURPOSES.—The purposes of this section are—

(A) to increase the competitiveness of the United States nuclear energy products and services industries;

(B) to identify the stimulus or incentives necessary to assist U.S. manufacturers of nuclear energy products to expand manufacturing capacity;

(C) to facilitate the export of United States nuclear energy products and services;

(D) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(E) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(F) to integrate the objectives in paragraphs (A) through (D) in a manner consistent with the interests of the United States, into the foreign policy of the United States;

(G) to authorize funds for increasing United States capability to manufacture nuclear energy products and supply nuclear energy services.

(2) ESTABLISHMENT.—

(A) There shall be established an interagency working group that, in consultation with representative industry organizations and manufacturers of nuclear energy products, the national laboratories, the Nuclear Energy Institute, the Nuclear Regulatory Commission, and other experts, shall coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(B) The Interagency Working Group shall be composed of—

(i) the Secretary of Energy, or the Secretary’s designee, shall chair the interagency working group. The Secretary of Energy shall provide staff for carrying out the functions of the interagency working group established under this section.

(ii) Representatives of—

(I) the Department of Energy;

(II) the Domestic Policy Council;

(III) the Department of Commerce;

(IV) the Department of Treasury;

(V) the Department of State;

(VI) the Environmental Protection Agency;

(VII) the United States Agency for International Development;

(VIII) the Export-Import Bank of the United States;

(IX) the Trade and Development Agency;

(X) the Small Business Administration;

(XI) the Office of the U.S. Trade Representative; and

(XII) other Federal agencies, as determined by the President.

(iii) The heads of appropriate agencies shall detail such personnel and furnish such services to the interagency group, with or without reimbursement, as may be necessary to carry out the group’s functions.

(3) DUTIES OF THE INTERAGENCY WORKING GROUP.—

(A) Within 6 months of enactment, the interagency working group established under section (1)(A) shall identify the actions necessary to promote the safe development and implementation of nuclear energy products and services in order to—

(i) improve the efficiency, safety, and reliability of existing nuclear generating facilities through improvement and modernization of facilities and components;

(ii) enhance the performance of existing nuclear generating facilities through investment in new technologies and components;

(iii) encourage United States companies to increase their manufacturing capacity for nuclear energy products;

(iv) provide technical and financial assistance and support to small and medium-sized businesses to comply with international and national quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(v) encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(vi) provide technical and financial incentives to small and medium-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements.

(B) Within 9 months of enactment, the interagency working group shall provide a report to Congress on its findings under section (2)(A) and (B), including recommendations for new legislative authority where necessary.

(C) TRADE ASSISTANCE.—The interagency working group shall encourage the member agencies of the interagency working group to—

(i) provide technical training and education for international development personnel and local users in their own country;

(ii) provide technical and financial assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(iii) develop nuclear energy projects in foreign countries;

(iv) provide technical assistance and training, as the Office of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(v) improve financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(vi) augment budgets for trade and development programs in order to support pre-feasibility or feasibility studies for projects that utilize domestic nuclear energy products and services.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary for purposes of carrying out this title $20,000,000 for fiscal years 2008 and 2009.

(b) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—

(1) IN GENERAL.—For purposes of section 49, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

(2) QUALIFIED INVESTMENT.—

(I) IN GENERAL.—For purposes of subsection (a), the qualifying investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year.

(II) EXCEPTIONS.—(A) Property which is either—

(i) a part of a qualifying nuclear power manufacturing project or

(ii) a part of a qualifying nuclear power manufacturing equipment project;

and

(B) which is placed in service on or before December 31, 2011.

(3) QUALIFIED EXPENDITURE.—

(A) IN GENERAL.—A qualified expenditure is an expenditure made after the Revenue Reconciliation Act of 1990 for property used in a qualified nuclear power manufacturing project.

(B) QUALIFIED NUCLEAR POWER MANUFACTURING EQUIPMENT.—A qualified nuclear power manufacturing equipment project means—

(i) the construction, reconstruction, or expansion of a nuclear power manufacturing facility;

(ii) the expansion of a nuclear power manufacturing project; or

(iii) the acquisition, construction, or production of property used in a qualified nuclear power manufacturing project.

(4) QUALIFIED NUCLEAR POWER MANUFACTURING PROJECT.—The term ‘‘qualified nuclear power manufacturing project’’ means any project which is designed primarily to enable the taxpayer to construct, expand, or acquire equipment necessary for the construction of a nuclear power plant.

(5) QUALIFIED NUCLEAR POWER MANUFACTURING EQUIPMENT.—A qualified nuclear power manufacturing equipment project means machine tools and other similar equipment, including computers and other electronic equipment, produced or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

(6) PROJECT.—The term ‘‘project’’ includes any building constructed to house qualifying nuclear power manufacturing equipment.

(c) CONFORMING AMENDMENTS.

(1) ADDITIONAL INVESTMENT CREDIT.—Section 49 of the Internal Revenue Code of 1986 is amended by—

(A) striking “and” at the end of paragraph (3); and

(B) striking the period at the end of paragraph (4) and inserting “,” and”.

(2) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code is amended by—

(A) striking “and” at the end of clause (ii); and

(B) striking the period at the end of clause (iv) and inserting “,” and” and
(C) inserting after clause (iv) the following new clause:
‘‘(v) the basis of any property which is part of a qualifying nuclear power equipment manufacturing credit under section 46C.’’;

(3) TABLE OF SECTIONS.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

‘‘Sec. 48C. Qualifying nuclear power manufacturing credit.’’;

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1803. WORKFORCE TRAINING.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16114) is amended by redesignating subsection (d) as subsection (e); and by inserting after subsection (c) the following:

‘‘(d) WORKFORCE TRAINING.—

(1) FUNDING.—The Secretary of Labor, in cooperation with the Secretary of Energy, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the nuclear utility and nuclear energy products and services industries.

(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, and organized labor, concerning skills that will be needed in those industries.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the National Nuclear Energy Education and Training Act of 2005 (42 U.S.C. 2101 note), for each of fiscal years 2006 through 2010, $100,000,000 for the purpose of carrying out this subsection.

Sec. 1805. HEARINGS AND JUDICIAL REVIEW.

Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) is amended by striking ‘‘(a)(1)(A)’’ and all that follows through the end of subparagraph (a) and inserting the following:

‘‘(a) HEARINGS.—

(A) PARTIES.—

(1) IN GENERAL.—In any proceeding under this Act for the granting, suspending, revoking, or amending of any license or construction permit or application to transfer control, in any proceeding for the issuance or modification of rules and regulations regarding the activities of licensees, in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 166c, or 188, the Commission shall—

(I) grant a hearing on request of any person the interests of which may be affected by the proceeding; and

(II) allow any such person as a party to the proceeding.

(2) NO REQUEST.—In any proceeding for the granting, suspending, revoking, or amending of any license or construction permit or application to transfer control, in any proceeding for the issuance or modification of rules and regulations regarding the activities of licensees, in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 166c, or 188, the Commission shall—

(I) grant a hearing on request of any person the interests of which may be affected by the proceeding; and

(II) allow any such person as a party to the proceeding.

(3) REQUIREMENTS.—In the absence of a request by a person described in clause (1), the Commission may issue a construction permit or application to transfer control, or an amendment to an operating license without a hearing by publishing in the Federal Register a notice of its issuance not later than 30 days before the date of issuance.

(II) EXCEPTION.—The notice requirement under subclause (I) shall not apply with respect to a request for a construction permit or application to transfer control, or an amendment to an operating license on a determination by the Commission that the amendment involves no significant hazard consideration.

Sec. 1806. SENSE OF SENATE.

It is the sense of the Senate that the Nuclear Regulatory Commission should be given sufficient authority and assistance required by the Commission to meet the increasing demand of license applications before the Commission.

Sec. 1807. INVESTMENT TAX CREDIT FOR INVESTMENTS IN NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986, as amended by this title, is amended by adding—

(1) striking ‘‘and’’ at the end of paragraph (5);

(2) striking the period at the end of paragraph (5) and inserting ‘‘; and’’; and

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

(6) the nuclear power facility construction credit.’’.

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this title, is amended by—

(1) striking the text of section 48C, and

(2) inserting the following after section 48C:

‘‘SEC. 48D. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

(2) COORDINATION WITH SUBSECTION (C).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer (or, in the case of a sale and leaseback described in section 56(a)(2), by the lessee), to the extent any amount so taken into account has not been required to be recaptured under section 56(a).

(c) PROGRESS EXPENDITURES.—

(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

(A) IN GENERAL.—The qualified nuclear power facility which is not self-constructed property, in the taxable year in which such expenditures are paid.

(B) ACQUIRED PROPERTY.—In the case of a self-constructed property, in the taxable year in which such expenditures are paid.

(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

(1) IN GENERAL.—In the case of a facility or component of a facility which is not self-constructed, the amount taken into account under paragraph (1) for any taxable year shall not exceed the amount which represents the portion of the overall cost to the taxpayer of the facility or component of a facility which is properly attributable to the portion of the facility or component which is completed during such taxable year.

(D) STRIKING.—The text of paragraphs (1) and (2) of section 48C, and all that follows through the end of section 48C, are hereby struck out.

(E) EFFECTIVE DATE.—The amendments made by this title shall apply to amounts taken into account after the date of the enactment of this Act.”
“(1) the limitation of clause (1) exceeds the amount taken into account under paragraph (1)(B), then the amount of such excess shall increase the limitation of clause (1) for the first taxable year.

“(D) Determination of percentage of completion.—The determination under subparagraph (C)(i) of the portion of the overall cost of a qualified nuclear facility and the construction of the construction completed during any taxable year shall be made on the basis of engineering or architectural plans or on the basis of cost accounting records. Unless the taxpayer establishes otherwise by clear and convincing evidence, the percentage shall be deemed to be completed not more rapidly than ratably over the normal construction period.

“(E) No progress expenditures for certain periods.—No qualified nuclear facility expenditures shall be taken into account under this subsection for any period after the first day of the first taxable year to which an election under this subsection applies.

“(F) No progress expenditures for property for year it is placed in service, etc.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the year of placement in service, or

“(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to any such facility, or for any taxable year thereafter.

“(3) Self-constructed.—For purposes of this subsection—

“(A) The term ‘self-constructed facility’ means any facility if it is reasonable to believe that more than half of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

“(B) A component of a facility shall be treated as not self-constructed if the cost of the component is at least 5 percent of the expected cost of the facility and the component is acquired by the taxpayer.

“(4) Election.—An election shall be made under this section for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on a tax return filed for the taxable year for which the facility is placed in service, or

“(i) the date on which the taxpayer decides to terminate construction of the facility, or

“(ii) the last day of any 24 month period in which the Secretary determines that the qualified nuclear facility construction expenditures totaling at least 20 percent of the expected total cost of the nuclear power facility.

“(B) Authority to waive.—The Secretary may waive the application of clause (ii) of subparagraph (A) if the Secretary determines that the taxpayer intended to continue the construction of the qualified nuclear power facility and the expenditures were not incurred for reasons outside the control of the taxpayer.

“(C) Determination of construction.—If a nuclear power facility that is under construction ceases to be a qualified nuclear power facility by reason of paragraph (2) and work is subsequently resumed on the construction of such facility—

“(i) the date work is subsequently resumed shall be treated as the date that construction began under subparagraph (1); and

“(ii) if the facility is a qualified nuclear power facility, the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.

“(D) Provisions relating to credit recapture rules.—(1) Progress expenditure recapture rules.—(A) Basic rules.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) In general.—If during any taxable year any building to which section 11(d) applied or any facility to which section 48(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to which the facility is properly chargeable to capital account, or if the facility is placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year on such tax credit amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.

“(B) Amount of excess credit recapture rule.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

“(i) inserting ‘and paragraph (2) of section 48C(b)(1)’ after ‘paragraph (2) of section 48C(b)(1)’ after ‘section 48C(b)(1)’; and

“(ii) inserting ‘or facility’ after ‘building’.

“(C) Amendment of sale and leaseback rule.—Subparagraph (C) of section 50(a)(2) of such Code is amended by—

“(i) inserting ‘or section 48C(c)’ after ‘section 47(d)’; and

“(ii) inserting ‘or qualified nuclear power facility expenditures’ after ‘qualified rehabilitation expenditures’ after ‘section 47(d)’.

“(D) Other amendment.—Subparagraph (D) of section 50(a)(2) of such Code is amended by inserting ‘or section 48D(c)’ after ‘section 47(d)’.

“(E) No basis adjustment.—Section 50(c) of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new paragraph:

“(ii) the first taxable year for which recap-
recent Producer Price Index published by the Department of Labor. Such aggregate acceptance rates shall be allocated among parties to contracts with the United States based on the use of spent nuclear fuel, as measured by the date of the discharge of such spent nuclear fuel from the civilian nuclear power reactor. Such offer to settle shall also provide for payment of $150 per kilogram of any such party where a civilian nuclear power reactor has been decommissioned, except for those portions of the fuel that cannot be decommissioned until removal of spent nuclear fuel and high-level radioactive waste. The Secretary also shall offer such compensation to parties to contracts pursuant to section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) who brought actions for damages prior to the date of enactment of this Act, but which were no longer pending as of said date, provided that such compensation shall be reduced by the amount of any settlement or judgment received by such party.

(4) in subsection (d), by adding at the end the following: “No amount may be expended by the Secretary from the Waste Fund to carry out subsections (a), (b), or (c), unless the Secretary determines that such measures are reasonable and appropriate.

SEC. 1809. CONFIDENCE IN AVAILABILITY OF ADVANCED FUEL CYCLE TECHNOLOGIES.

(a) CONGRESSIONAL DETERMINATION.—Congress finds that—

(1) there is reasonable assurance that high-level radioactive waste and spent nuclear fuel generated in reactors licensed by the Nuclear Regulatory Commission in the past, currently, or in the future will be managed in a manner without significant environmental impact until capacity for ultimate disposal is available; and

(2) the Federal Government is responsible and has a policy for the ultimate safe and environmentally sound disposal of such high-level radioactive waste and spent nuclear fuel.

(b) REGULATORY CONSIDERATION.—Notwithstanding any other provision of law, for the period following the licensed operation of a commercial nuclear power reactor or any facility for the treatment or storage of spent nuclear fuel or high-level radioactive waste, no consideration of the public health and safety, common defense and security, or environmental impact of high-level radioactive waste and spent nuclear fuel generated in reactors licensed by the Nuclear Regulatory Commission in the past, currently, or in the future will be managed in a manner without significant environmental impact until capacity for ultimate disposal is available; and

(2) the Federal Government is responsible and has a policy for the ultimate safe and environmentally sound disposal of such high-level radioactive waste and spent nuclear fuel.

SEC. 1810. TEMPORARY SPENT NUCLEAR FUEL STORAGE AGREEMENTS.

(a) AUTHORIZATION AND LOCATION.—The Secretary of Energy (Secretary) is authorized to initiate spent nuclear fuel storage agreements as provided herein.

(1) within 90 days from the date of enactment of this Act, representatives of a community may submit written notice to the Secretary that the community is willing to host a temporary spent nuclear fuel storage facility within its jurisdiction.

(2) Within 90 days of the receipt of the notice, the Secretary shall determine whether the identified site is suitable for a temporary storage facility. In determining the site’s suitability, the Secretary will evaluate technical feasibility and consider favorably local support for colocating a temporary spent nuclear fuel storage facility with facilities intended to support continued and implementation advanced nuclear fuel cycle technologies.

(b) CONTENT OF AGREEMENTS.—If the Secretary determines that the site is suitable, the Secretary, in consultation with the Secretary of Defense and the Department of Energy, shall negotiate a temporary spent nuclear fuel storage facility agreement shall proceed.

(1) Any temporary spent nuclear fuel storage agreement shall contain such terms and conditions, including financial, institutional and operational, as the Secretary and community determine to be reasonable and appropriate.

(2) Any temporary spent nuclear fuel storage agreement may be amended only with the mutual consent of the parties to the agreement.

SEC. 1811. IMPLEMENTATION OF TEMPORARY SPENT NUCLEAR FUEL STORAGE AGREEMENTS.

(a) IN GENERAL.—The temporary spent nuclear fuel storage agreement establishes an agreement in accordance with this section and establishes a framework for the mutual consent of the parties to the agreement.

(b) Any temporary spent nuclear fuel storage agreement includes the mutual consent of the parties to the agreement.

(c) POWERS.—In carrying out this title, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without encumbrance, guarantying, indemnifying, and reinsuring, notes, drafts, checks, bills of exchange, acceptances (including bankers’ acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing, and facilitate the commercial use of clean energy and energy efficient technologies within the United States.

SEC. 1901. SHORT TITLE.

This title may be cited as the “Clean Energy Investment Bank Act of 2008”.

SEC. 1902. DEFINITIONS.

In this title:

(1) BANK.—The term “Bank” means the Clean Energy Investment Bank of the United States established by section 1903(a).

(2) BOARD.—The term “Board” means the Board of Directors of the Bank established under section 1904(b).

(3) CLEAN ENERGY INVESTMENT BANK FUND.—The term “Clean Energy Investment Bank Fund” means the revolving fund account established under section 1906(b).

(4) COMMERCIAL TECHNOLOGY.—The term “commercial technology” means a technology in general use in the commercial marketplace.

(5) ELIGIBLE PROJECT.—The term “eligible project” means a project in a State that relates to the production of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(6) INVESTMENT.—The term “investment” includes any contribution or commitment to an eligible project in the form of—

(A) loans;

(B) the purchase of equity shares in the project;

(C) participation in royalties, earnings, or profits; or

(D) furnishing commodities, services or other rights under a lease or other contract.

(7) THE TERM “STATE” MEANS—

(A) A State;

(B) The District of Columbia;

(C) The Commonwealth of Puerto Rico; and

(D) Other territory or possession of the United States.

SEC. 1903. ESTABLISHMENT OF BANK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch a bank to be known as the “Clean Energy Investment Bank of the United States,” which shall be an agency of the United States.

(b) GOVERNMENT CORPORATION.—The Bank shall be a Government corporation (as defined in section 103 of title 5, United States Code).

(c) SUBJECT TO.—The Bank is subject to chapter 91 of title 31, United States Code, except as expressly provided in this title.

(b) AUTHORITY.—

(1) IN GENERAL.—The Bank shall assist in the financing, and facilitate the commercial use, of clean energy and energy efficient technologies within the United States.

(2) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Bank may make loans or loan guarantees:

(A) in eligible projects on terms and conditions as the Bank considers appropriate in accordance with this title;

(B) under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), and any of the regulations promulgated under that Act, as the Bank considers appropriate.

(c) REIMBURSEMENT.—No loan or loan guarantee shall be made under this subsection unless the Bank determines that there is a reasonable prospect of repayment of the principal and interest by the borrower.

(d) PROJECT DIVERSITY.—The Bank shall ensure that a reasonable diversity of projects, technologies, and energy sectors receive assistance under this subsection.

(e) POWERS.—In carrying out this title, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without encumbrance, guarantying, indemnifying, and reinsuring, notes, drafts, checks, bills of exchange, acceptances (including bankers’ acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing, and facilitate the commercial use of clean energy and energy efficient technologies within the United States.

(3) use private credit, investment institutions, and the guarantee authority of the Bank as the principal means of mobilizing capital investment funds;

(4) broaden private participation and revolve the funds of the Bank through sell-offs of direct investments of the Bank to private investors whenever the Bank can appropriately do so on satisfactory terms;

(5) conduct the insurance operations of the Bank in accordance with the principal means of mobilizing capital investment funds;
(6) foster private initiative and competition and discourage monopolistic practices; and

(7) advise and assist interested agencies of the United States and other organizations, public and private and national and international, with respect to projects and programs relating to the development of private enterprise, for the market sector in accordance with this title.

SEC. 1904. ORGANIZATION AND MANAGEMENT.

(a) Structure of Bank.—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board shall determine.

(b) Board of Directors.—(1) Establishment.—There has been established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) Composition.—

(A) In General.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate (referred to in this subsection as "independent directors"); and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) Federal Employment.—An independent director shall not be an officer or employee of the Federal Government at the time of appointment.

(C) Political Party.—Not more than 3 of the independent directors shall be members of the same political party.

(3) Term; Vacancies.

(A) Term.—

(i) In General.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) Staggered Terms.—The terms of not more than 2 independent directors shall expire in any year.

(B) Vacancies.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) Meetings.

(A) Initial Meeting.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) Meetings.—The Board shall meet at the call of the Chairman of the Board. The quorum required for a meeting of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(C) Chairman and Vice Chairman.

(A) In General.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) Eligibility.—The Chairman of the Board shall not be an Executive Director of the Board.

(5) Compensation of Members.—An independent director shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5 of United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(6) Travel Expenses.—An independent director shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency by section 5702 of title 5 of United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(7) President of the Bank.—

(A) In General.—The President of the Bank shall—

(1) be the Chief Executive Officer of the Bank;

(2) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(d) Executive Vice President.—

(A) Appointment.—The Executive Vice President of the Bank shall be appointed by the Board.

(B) Duties.—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(e) Staff.

(1) In General.—The Board may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this title; and

(B) vest in such officers, attorneys, employees and agents such powers and duties as the Board may determine.

(2) Civil Service Laws.—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(3) Reappointment.—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled, on removal from the position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(f) Additional Positions.—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by law, including positions authorized by section 5108 of title 5, United States Code.

SEC. 1905. FINANCING, GUARANTEES, INSURANCE, CREDIT SUPPORT, AND OTHER PROGRAMS.

(a) Intergovernmental Agreements.—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments including agencies, instrumentalities, or political subdivisions of State and local governments for sharing liabilities assumed by providing financial assistance for eligible projects under this title.

(b) Insurance.

(1) In General.—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to ensure protection in whole or in part against any or all of the risks with respect to eligible projects that the Bank has approved.

(2) Duplication of Assistance.—The Bank shall not offer any insurance products under this subsection or augment any other similar Federal assistance.

(c) Guarantees.

(1) In General.—The Bank may issue guarantees of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) Budgetary Treatment.—Any guarantee issued under this subsection shall, for budgetary purposes, be considered a loan guarantee as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(d) Loans and Credit Assistance.

(1) In General.—The Bank may make loans, provide letters of credit, issue other credit enhancements, or provide other financial assistance under this section on such terms and conditions as the Bank may determine.

(2) Budgetary Treatment.—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) Eligible Project Development Investment Encouragement.

The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, that determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) Other Insurance Functions.

The Bank may—

(1) using agreements and contracts that are consistent with this title—

(A) make and carry out contracts of insurance and other agreements to share losses with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights; and

(iv) the ceding and acceptance of reinsurance;

(2) enter into pooling or other risk-sharing agreements with other governmental insurance or financing agencies or groups of those agencies.

(g) Equity Finance Program.

(1) In General.—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under which the Bank may, in accordance with this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of an entity or form a taxable entity, on such terms, conditions, and as the Bank may determine, for the purpose of providing capital for any project that is consistent with this title.

(2) Total Amount of Equity Investments.

(A) Total Amount of Equity Investment Under Equity Finance Program.

(1) In General.—Except as provided in clause (ii), the total amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to the project at the time of the equity investment of the Bank is made.

(B) Defaults. —The Bank shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the investment of the Bank.

(B) Total Amount of Equity Investment Under Multiple Programs.

(1) In General.—The equity investment of the Bank under this subsection with respect to any project, when added to any other investments made or guaranteed by the Bank, may not exceed the total amount of all the investments to exceed, at the time any such investment is made or guaranteed by the Bank, the total amount of the total investment committed to the project, as determined by the Bank.
this section as the
Fund have been expended in accordance with
Bank have been discharged or expire; or
the earlier of
liabilities under section 1905 (other than sub-
Bank, to be known as the
in the Treasury of the United States a re-
volving fund, to be known as the

Fund

liabilities under section 1905 (other than sub-
Bank pursuant to this subsection shall be ex-
empt from apportionment under subsection H of chapter 15 of title 31, United States Code.

SEC. 1906. ISSUING AUTHORITY; DIRECT INVEST-
MENT AUTHORITY AND RESERVES.
(a) Maximum Contingent Liability.—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 1905 shall not exceed a total amount of $100,000,000,000.
(b) Clean Energy Investment Bank Fund.
(1) Establishment.—There is established in the Treasury of the United States a re-
volving fund, to be known as the ‘‘Clean Energy Investment Bank Fund’’ (referred to in this section as the ‘‘Fund’’).
(2) Use.—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 1905 (other than subsections c) and d) of section 1905) until the earlier of—
(A) the date on which all liabilities of the Bank have been discharged or expire; or
(B) the date on which all amounts in the Fund have been expended in accordance with this section.
(2) IN GENERAL.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be ex-
empt from apportionment under subsection H of chapter 15 of title 31, United States Code.
(c) Payments of Liabilities.—Any payment made to discharge liabilities arising from agreements under section 1905 (other than subsections c) and d) of section 1905) shall be paid out of the Clean Energy Investment Bank Fund.
(d) Supplemental Borrowing Authority.—
(1) IN GENERAL.—In order to maintain suffi-
cient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obliga-
tions.
(2) Maximum Total Amount.—The total amount of obligations issued under para-
graph (1) shall be repaid at any time shall not exceed $2,000,000,000.
(3) Repayment.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.
(e) Interest Rate.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding mar-
ketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation au-
thorized by this subsection.
(f) Purchase of Obligations.—(A) IN GENERAL.—The Secretary of the Treasury
shall purchase any obligation of the Bank issued under this subsection; and
shall purchase all the obligations held by the Bank as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.
(B) PURPOSES.—The purpose for which se-
curities may be issued under chapter 31 of title 31, United States Code, shall include any lawful purposes.

SEC. 1907. ADMINISTRATION.
(a) Protection of Interest of Bank.—The Bank shall ensure that suitable arrange-
ments exist for protecting the interest of the Bank in connection with any agreement issued under this title.
(b) Full Faith and Credit.—(1) Obligation.—A loan guaranteed by the Bank under paragraph (1) (including fees collected for administrative expenses in carrying out subsections c) and d) of section 1905) may be retained by the Bank and may remain available to the Bank, without fur-
ther appropriation or fiscal year limitation, for payment of administrative expenses in-
curred in carrying out this title.
(2) Fee Receipts.—(A) Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of a loan or loan guar-
antee made under subsection c) or d) of sec-
tion 1905 shall be transferred by the Bank to the respective credit program accounts.
(b) Transfer of Functions and Author-
ity
(1) IN GENERAL.—On appointment of a ma-
jority of the Board by the President, all of the functions and authority of the Secretary of Energy under predecessor programs and authorities similar to those provided under subsections c) and d) of section 1905, including those under title XVII of the Energy Pol-
icy Act of 2005 (42 U.S.C. 16511 et seq.), shall be transferred to the Board.

(2) Continuation Prior to Transfer.—
Until the transfer, the Secretary of Energy shall continue to administer programs and activities, including programs and au-
thorities under title XVII of the Energy Pol-
icy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGA-
TIONS.—The transfer of functions and author-
ity under this subsection shall not affect the rights and obligations of any party that held under a predecessor program or author-
ity prior to the transfer under this subsection.
(c) Audits.—
(1) IN GENERAL.—Except as otherwise pro-
vided in this title, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.
(2) Periodic Audits by Independent Cert-
ified Public Accountants.—
(1) IN GENERAL.—As provided in paragraph (3), an independent certified pub-
lic accountant shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 fiscal years, in accordance with generally accepted Government auditing standards for financial and compliance audit, as issued by the Com-
troller General of the United States.

(2) REPORT TO BOARD.—The independent certified public accountant shall report the results of the audit to the Board.
(d) Generally Accepted Accounting Principles.—The financial statements of the Bank shall be presented in accordance with generally accepted accounting principles.
(e) Reports to Congress.
(1) IN GENERAL.—The financial statements and the report of the accountant shall be in-
cuded in a report that—
(A) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code; and
(B) the Bank shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.
(2) Review.—The Comptroller General of the United States may review the audit con-
ducted by the accountant pursuant to this report to Congress in such manner and at such times as the Comptroller General considers neces-
sary.
(f) Other Audits by Comptroller General of the United States.
(1) IN GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General of the United States shall, if the Comptroller General con-
siders it necessary, audit the financial state-
ments of the Bank in the manner provided under paragraph (2).

(2) Reimbursement.—The Bank shall reim-
burse the Comptroller General of the United States for the full cost of any audit con-
ducted under this paragraph.

(3) Availability of Records.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

SEC. 1908. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Con-
gress a complete and detailed report describ-
ing the operations of the Bank during the fiscal year.
SEC. 1910. MODIFICATION TO LOAN GUARANTEE PROGRAM.

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

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

"(i) a demonstration plant; or

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

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

"(b) Specific Appropriation or Contribution.—

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

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

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

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

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

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

"(c) Amount.—

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

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

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

"(1) by striking paragraph (B); and

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

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

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

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

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

SEC. 1911. INTEGRATION OF LOAN GUARANTEE PROGRAMS.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

"(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking "Secretary" each place it appears (other than the place it appears in section 1702(2a) and inserting "Board".

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

"(A) in the heading for paragraph (1), by striking "SECRETARY" and inserting "BOARD"; and

"(B) in the heading for paragraph (3), by striking "SECRETARY" and inserting "BOARD".

"(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 1909(b)(1) the authority to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

SEC. 1912. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Bank, to remain available until expended, such sums as are necessary to—

"(1) replenish or increase the Clean Energy Investment Bank Fund; or

"(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this title.

"(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than $50,000,000 during the fiscal year for which an appropriation is made.

SA 4923. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, the table after line 11 is amended to read as follows:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage for auction for public transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>3.87</td>
</tr>
<tr>
<td>2013</td>
<td>3.87</td>
</tr>
<tr>
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<td>4.25</td>
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<td>2016</td>
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<td>2018</td>
<td>5.62</td>
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<td>2019</td>
<td>5.90</td>
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<td>2020</td>
<td>6.60</td>
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<td>2021</td>
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<tr>
<td>2040</td>
<td>10</td>
</tr>
</tbody>
</table>

SA 4924. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, strike line 19 and insert the following:

"Not later than 330 days before

On page 196, line 21, strike "2 percent" and insert "0.5 percent."

On page 197, strike lines 3 through 8.

On page 198, between lines 16 and 17, insert the following:

"LIMITATION.—No emission allowance shall be distributed to an owner or operator of an entity described in section 561 under
this subtitle if the owner or operator, or the parent company of the owner or operator, has total annual revenue that is equal to or greater than—

(1) for calendar year 2012, $100,000,000,000; and

(2) for each subsequent calendar year, $100,000,000,000, as adjusted to reflect the annual change in United States dollar inflation for the calendar year (as measured by the Consumer Price Index) since calendar year 2012.

On page 426, strike lines 14 through 16 and insert the following:

section—

(1) for each of calendar years 2012 through 2017, 7.5 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a); and

(2) for each of calendar years 2018 through 2020, 2 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a); and

(3) for each of calendar years 2021 through 2050, 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

SA 4925. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 8 through 17. On page 21, line 18, strike “(B)” and insert “(C)”.

On page 21, line 24, strike “(F)” and insert “(G)”.

On page 22, line 5, strike “(G)” and insert “(D)”.

On page 22, line 9, strike “(H)” and insert “(E)”.

On page 22, line 14, strike “(I)” and insert “(F)”.

On page 27, strike lines 4 through 16. On page 31, line 8, strike “or natural-gas”. Beginning on page 65, strike line 25 and all that follows through page 68, line 19, and insert the following:

(1) HFC that was, during the preceeding calendar year, emitted as a byproduct of hydrochlorofluorocarbon manufacture in the United States by that covered entity.

On page 67, lines 4 and 5, strike “neither paragraph (2) nor paragraph (5) of subsection (a) requires” and insert “subsection (a)(2) does not require”.

On page 69, lines 23 and 24, strike “, natural gas, or natural gas liquid”.

On page 70, line 16, strike “(2), (3), or (5)” and insert “(2) or (3)”.

Beginning on page 198, strike line 17 and all that follows through page 201, line 17.

Beginning on page 205, strike line 1 and all that follows through page 206, line 15, and insert the following:

(1) First Period.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall allocate 9.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States.

(2) Second Period.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall allocate 9.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States.

(3) Technical Amendment.—Not later than 320 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall allocate 10 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States.

On page 200, line 10, strike “or natural gas”.

On page 297, line 10, strike “or natural gas”.

On page 209, line 17, strike “or natural gas”.

On page 210, line 19, strike “or natural gas”.

On page 211, line 7, strike “or natural gas”.

On page 215, lines 5 and 6, strike “or natural gas costs, as applicable,” and insert “costs”.

SA 4926. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 9 and 10, insert the following:

SEC. 543. INTERNATIONAL COMPETITIVENESS ALLOWANCE PROGRAM. (a) DEFINITIONS.—In this section:

(1) ELIGIBLE MANUFACTURING FACILITY.—(A) IN GENERAL.—The term “eligible manufacturing facility” means a manufacturing facility located in the United States that principally manufactures iron, steel, pulp, paper, cement, rubber, chemicals, fertilizer, glass, ceramics, sulfur hexafluoride, or aluminum and other nonferrous metals.

(B) EXCLUSION.—The term “eligible manufacturing facility” does not include a facility eligible to receive emission allowances under subtitle F or H.

(2) INTERNATIONAL COMPETITIVE ALLOWANCE.—The term “international competitive allowance” means an allowance allocated pursuant to the International Competitiveness Allowance Program established under subsection (b).

(3) REFINER OF PETROLEUM-BASED FUEL.—The term “refiner of petroleum-based fuel” means an entity that manufactures in the United States petroleum-based liquid or gaseous fuel.

(b) ESTABLISHMENT OF PROGRAM. (1) IN GENERAL.—The Administrator shall establish a program, to be known as the “International Competitiveness Allowance Program”, under which the Administrator or the International Competitiveness Allowance Program shall termi

(2) REQUIREMENT.—To the maximum extent practicable, the Administrator shall ensure that the number of international competitiveness allowances allocated to an eligible manufacturing facility or refiner of petroleum-based fuel for a calendar year is sufficient to offset the additional adverse competitive impact the eligible manufacturing facility or refiner of petroleum-based fuel would experience in the absence of the International Competitiveness Allowance Program during that calendar year.

(c) SOURCE.—International competitiveness allowances shall be issued from a specific class of greenhouse gases and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Identification of Most Prospective Outer Continental Shelf Oil and Natural Gas Areas Under Moratoria

SEC. 1711. DEFINITIONS. In this subtitle:

(1) MORATORIUM AREA.—The term “moratorium area” means any area on the Outer Continental Shelf covered by—

(i) sections 104 through 106 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521); or

(ii) section 104 of the Gulf of Mexico Energy Security Act of 2008 (43 U.S.C. 1381 note; Public Law 109–432; or

(iii) any area withdrawn from disposition by leasing by the memorandum entitled “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition” (34 Weekly Comp. Pres. Doc. 1111), and dated June 12, 1998, as modified by the President on January 9, 2007.

(2) EXCLUSIONS.—The term “moratorium area” does not include an area of the outer Continental Shelf designated by the National Oceanic and Atmospheric Administration as a national marine sanctuary.

(3) PROSPECTIVE AREA.—The term “prospective area” means any portion of any moratorium area that may contain recoverable oil or gas.
(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

SEC. 1772. IDENTIFICATION OF MOST PROSPECTIVE OUTER CONTINENTAL SHELF OIL AND NATURAL GAS AREAS UNDER MORATORIA.

(a) INVENTORY.—
(1) IN GENERAL.—The Secretary shall identify the 10 most prospective areas for recoverable oil and gas accumulations, including if appropriate the 5 most prospective areas for oil, and the 5 most prospective areas for natural gas in the prospective areas that industry would likely explore if allowed.

(2) INFORMATION.—In identifying the prospective area, the Secretary shall take into account any existing information on the geological potential for oil and gas or acquire new data as appropriate to assist in narrowing down prospective areas.

(b) ACQUISITION OF GEOLOGICAL AND GEO-PHYSICAL DATA.—
(1) IN GENERAL.—The Secretary may acquire and process new geological and geophysical data or use existing geological and geophysical data in a moratorium area if the Secretary determines that additional information is needed to identify and assess potential prospective areas.

(2) AVAILABILITY OF DATA.—The Secretary may make available newly acquired geological and geophysical data under this subsection on a recovery basis to recover the full costs expended for acquisition and processing of new geological and geophysical data.

(c) ADMINISTRATION.—
(1) IN GENERAL.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—
(1) a summary of the potential oil and gas resources in the 10 most prospective areas based on all available and newly acquired information;
(2) a description of the consultation process under section 1773 that will be used to share information and obtain input from stakeholders concerning the 10 most prospective areas; and
(3) recommendations on approaches for recovery of costs expended for acquisition and processing of new geological and geophysical data or conducting other studies for the report.

(2) INPUT.—Not later than 180 days after submission of the report required under subsection (b), the Secretary shall submit to Congress a summary of the input from the process required under subsection (a).

SEC. 1773. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this subtitle $450,000,000, to remain available until expended.
interstate compacts to govern the transport,
ination, injection, and storage of carbon diox-
"(5) DEMONSTRATION PROJECT.—The Sec-
etary shall conduct geological sequestra-
tion demonstration projects involving car-
bon dioxide sequestration operations in a va-
riety of candidate geological settings, in-
cluding "(A) oil and gas reservoirs;
"(B) unmineable coal seams;
"(C) deep saline aquifers;
"(D) basalt and shale formations; and
"(E) terrestrial sequestration, including
restoration project sites provided assistance
by the Abandoned Mine Reclamation Fund
established by section 401 of the Surface
Mining Control and Reclamation Act of 1977
"(d) AUTHORIZATION OF APPROPRIATIONS.—
"(1) IN GENERAL.—There are authorized to
be appropriated to carry out this section—
"(A) $100,000,000 for each of fiscal years 2009
and 2010;
"(B) $105,000,000 for fiscal year 2011;
"(C) $110,000,000 for fiscal year 2012;
"(D) $115,000,000 for fiscal year 2013; and
"(E) $120,000,000 for fiscal year 2014.
"(2) FUNDS.—Funds made available for a fiscal year under paragraph
(1)—
"(A) shall remain available until expended,
but not later than September 30, 2014; and
"(B) may be reprogrammed, at the discre-
tion of the Secretary, for expenditure for
other demonstration projects under this title
only after—
"(i) September 30, 2010; and
"(ii) the Secretary provides notice of the
proposed reprogramming to the appro-
priate committees of Congress.

SA 4929. Mr. SMITH (for himself, Mr.
WITEN, and Mr. WARNER) submitted an amend-
ment intended to be proposed by him to
the bill S. 3036, to direct the Ad-
ministrator of the Environmental Pro-
tection Agency to establish a program
to decrease emissions of greenhouse gases,
and for other purposes; which was
ordered to lie on the table; as follows:
At the end of title XVII, add the following:
Subtitle H—Nuclear Regulatory Commission
SEC. 1771. FUNDING FOR REVIEW OF YUCCA
MOUNTAIN LICENSE APPLICATION.
(a) IN GENERAL.—A license application
and for other purposes; which was
ordered to lie on the table; as follows:
At the end of title XVII, add the following:
Subtitle H—Nuclear Regulatory Commission
SEC. 1771. FUNDING FOR REVIEW OF YUCCA
MOUNTAIN LICENSE APPLICATION.
(a) IN GENERAL.—A license application

SA 4930. Mr. INHOFE submitted an amend-
ment intended to be proposed by him to
the bill S. 3036, to direct the Ad-
ministrator of the Environmental Pro-
tection Agency to establish a program
to decrease emissions of greenhouse gases,
and for other purposes; which was
ordered to lie on the table; as follows:
At the end of title XVII, add the following:
Subtitle H—Nuclear Regulatory Commission
SEC. 1771. FUNDING FOR REVIEW OF YUCCA
MOUNTAIN LICENSE APPLICATION.
(a) IN GENERAL.—A license application

SA 4931. Mr. INHOFE (for himself, Mr.
VITTER, Mr. CRAIG, Mr. DEMINT,
and Mr. CIALA) submitted an amend-
ment intended to be proposed by him to
the bill S. 3036, to direct the Admin-
istrator of the Environmental Protec-
tion Agency to establish a program
to decrease emissions of greenhouse gases,
and for other purposes; which was
ordered to lie on the table; as follows:
At the end of title XVII, add the following:
Subtitle H—Nuclear Regulatory Commission
SEC. 1771. FUNDING FOR REVIEW OF YUCCA
MOUNTAIN LICENSE APPLICATION.
(a) IN GENERAL.—A license application

SA 4932. Mr. VITWER, Mr. CRAIG, Mr. DEMINT,
and Mr. CIALA) submitted an amend-
ment intended to be proposed by him to
the bill S. 3036, to direct the Ad-
ministrator of the Environmental Pro-
tection Agency to establish a program
to decrease emissions of greenhouse gases,
and for other purposes; which was
ordered to lie on the table; as follows:
At the end of title XVII, add the following:
Subtitle H—Nuclear Regulatory Commission
SEC. 1771. FUNDING FOR REVIEW OF YUCCA
MOUNTAIN LICENSE APPLICATION.
(a) IN GENERAL.—A license application

SA 4933. Mr. VITTER, Mr. CRAIG, Mr. DEMINT,
and Mr. CIALA) submitted an amend-
ment intended to be proposed by him to
the bill S. 3036, to direct the Ad-
ministrator of the Environmental Pro-
tection Agency to establish a program
to decrease emissions of greenhouse gases,
and for other purposes; which was
ordered to lie on the table; as follows:
At the end of title XVII, add the following:
Subtitle H—Nuclear Regulatory Commission
SEC. 1771. FUNDING FOR REVIEW OF YUCCA
MOUNTAIN LICENSE APPLICATION.
(a) IN GENERAL.—A license application

(3) the obligation of the Federal Gover-
ment to develop a repository provides suf-
cient grounds for findings by the Nuclear
Regulatory Commission that spent nuclear
fuel and high-level radioactive waste will
be disposed of safely and in a timely manner;
(4) the electricity consumers and nuclear
power plant operators of the United States
have paid in excess of $27,000,000,000 in fees
and interest to fund disposal of spent nuclear
fuel and high-level radioactive waste;
(5) the National Research Council of the
National Academy of Sciences—
(A) since 1967, has endorsed the concept of
deep geologic disposal of high-level radio-
active waste as a long-term solution based
on scientific and technical analysis; and
(B) maintains that deep geologic disposal
remain as the only long-term solution
available for the disposal of high-level radio-
active waste;
(6) in 2002, the Yucca Mountain site was
rejected by the President and approved by
Congress for development as a deep geo-
logic repository;
(7) operation of a repository in accordance
with the Nuclear Waste Policy Act of 1982 (42
U.S.C. 10101 et seq.) is nearly 20 years behind
schedule;
(8) the delay has—
(A) resulted in judicial findings of a partial
breach of contract on the part of the Federal
Government; and
(B) subjected taxpayers to billions of dol-
las in liability;
(9) the Commission should allow the up-
grade of non-nuclear infrastructure at the
repository site prior to construction in an ef-
to accelerate progress and reduce tax-
payer liability;
(10) the repository should be licensed to
safely use the maximum potential capacity
of the repository, based on scientific and
technical considerations; and
(11) the development of the repository
should incorporate technological advances to
improve protection of public health and safety
and the environment on a regular basis while
retaining the option of retrieval.
(b) PURPOSES.—The purposes of this title ar
—
(1) to encourage the expanded contribution
of nuclear energy to meet the growing need
of the United States for safe, reliable, and
cost-effective energy;
(2) to provide a process for the expeditious
and safe development and operation of a re-
pository at the Yucca Mountain site;
(3) to require periodic system improve-
ments based on advances in technology and
understanding to enhance the protection of
public health and safety and the environ-
ment;
(4) to clarify the authority of the Sec-
tary to carry out infrastructure activities
without prejudicing the President and the
Commission with respect to repository appli-
cations; and
(5) to provide guidance to the Commission
with respect to the consideration by the
Commission of spent nuclear fuel and high-
level waste disposal during new reactor li-
censing proceedings.
SEC. 1803. DEFINITIONS.
In this title:
(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.
(2) REPOSITORY.—The term "repository" has
the meaning given the term in section 2 of
the Nuclear Waste Policy Act of 1982 (42
(3) Sec. 1802.—The term "Secretary" means
the Secretary of Energy.
Subtitle A—Licensing
SEC. 1811. APPLICATIONS.
Section 114(b) of the Nuclear Waste Policy Act
of 1982 (42 U.S.C. 10134(b)) is amended—
(1) in the subsection heading, by striking "APPLICATION" and inserting "APPLICA-
TIONS";
(2) by striking "If the President" and in-
serting the following:
"(1) IN GENERAL.—If the President; and

(3) by adding at the end the following:

"(2) APPLICATION PROCESSES.—

"(A) IN GENERAL.—The Secretary shall submit, and the Commission shall review, each application relating to this paragraph, including a continuing program, including underground repository surveillance, measurement, and testing and research and development of technologies that may improve the safety or operation of the repository.

"(B) APPLICATION FOR A CONSTRUCTION AUTHORIZATION.—

"(i) REQUIRED INFORMATION.—An application for a construction authorization for a repository at a site shall contain provisions—

"(I) for the establishment of, and preliminary information relating to, a continuing program, including underground repository surveillance, measurement, and testing and research and development of technologies that may improve the safety or operation of the repository.

"(II) a procedure to provide for periodic reviews of the license of the repository that may improve the safety or operation of the repository.

"(III) a program to ensure the ability of the repository to retrieve, for a period of not less than 300 years beginning on the date on which the repository first commences operation, each quantity of spent nuclear fuel and high-level radioactive waste stored at the repository."

"(II) APPLICATION TO PERMANENTLY CLOSE REPOSITORY.—

"(i) AUTHORITY OF SECRETARY.—The Secretary may submit to the Commission an application to permanently close the repository.

"(ii) CONTENTS.—An application to permanently close the repository shall contain information, that is sufficient to demonstrate to the Commission that there is a reasonable expectation that the health and safety of the public will be adequately protected from any release generated by any radioactive material disposed of in the repository in accordance with each standard promulgated pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note; Public Law 102–486)."

SEC. 1812. APPLICATION PROCEDURES; INFRASTRUCTURE ACTIVITIES.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10314) is amended by striking subsection (d) and inserting the following:

"(d) COMMISSION ACTION.—

"(1) REVIEW OF REGULATIONS.—The Commission shall review and modify each applicable regulation promulgated by the Commission to ensure that each application described in subsection (b)(2) contains sufficient information for the Commission to determine whether the facility will be operated for a period of not less than 300 years beginning on the date on which the repository first commences operation.

"(2) APPROVAL PROCESS RELATING TO APPLICATION FOR CONSTRUCTION AUTHORIZATION.—

"(A) APPLICATION DEADLINE.—Not later than June 30, 2008, the Secretary shall submit to the Commission an application for a construction authorization for a repository site.

"(B) CONSIDERATION.—The Commission shall consider each application, in whole or in part, in accordance with law applicable to the application.

"(C) AUTHORIZATION OF CONSTRUCTION.—

"(I) IN GENERAL.—Upon review and consideration of an application for a construction authorization, the Commission shall approve the application if the Commission determines that there is a reasonable expectation that the health and safety of the public will be adequately protected for a period of not less than 300 years beginning on the date on which the repository first commences operation.

"(II) FINAL DECISION.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 3 years after the date on which the Secretary submits to the Commission an application for a construction authorization under subparagraph (A), the Commission shall carry out all activities relating to the consideration of an application for all or part of a repository, including—

"(I) a sufficiency review and docketing of the application;

"(II) the publication of safety and environmental reviews;

"(III) the conduct of hearings; and

"(IV) the issuance of a final decision approving or disapproving the issuance of a construction authorization.

"(ii) EXCEPTION.—The Commission may extend the deadline described in clause (i) by a period of not more than 1 year if, not less than 30 days before the date on which the deadline occurs, the Commission complies with the reporting requirement described in subsection (e)(2).

"(E) ADMINISTRATION.—In carrying out the actions required by this section, the Commission shall—

"(i) issue such partial initial decisions as the Commission determines to be appropriate to expedite the applications described in subparagraph (A); and

"(ii) consider each application, in whole or in part, in accordance with law applicable to the application.

"(3) APPROVAL PROCESS RELATING TO APPLICATION TO AMEND A CONSTRUCTION AUTHORIZATION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—

"(A) SUBMISSION OF APPLICATION.—If the Commission approves an application for a construction authorization under paragraph (2), not later than the date of the effective date of the construction authorization, the Secretary shall submit to the Commission an application to amend the construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste.

"(B) CONSIDERATION.—The Commission shall consider an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste in accordance with—

"(I) the informal hearing process described in subpart L of part 2 of chapter 1 of title 10, Code of Federal Regulations (as in effect on January 1, 2006); and

"(II) discovery procedures to minimize the burden of each party of submitting to the Commission documents that the Commission determines are not necessary for the Commission to approve the application for an authorization to receive and possess spent nuclear fuel and high-level radioactive waste.

"(C) PERMISSION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Upon review and consideration of an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste, the Commission shall approve the application if the Commission determines that—

"(i) there is a reasonable expectation that the health and safety of the public will be adequately protected for a period of not less than 300 years beginning on the date on which the repository first commences operation;

"(II) the Commission has received and considered a report of a final decision under paragraph (2)."
period of not more than 180 days if, not less than 30 days before the date on which the deadline occurs, the Commission complies with each reporting requirement described in subsection (d)".

“(4) REVIEW OF REGULATIONS RELATING TO APPLICATIONS FOR PERMANENT CLOSURE.—To conform the application process for the permanent closure of a repository to the requirements of this Act, the Commission shall review and modify each regulation promulgated by the Commission relating to the application process for the permanent closure of a repository.

“(5) INFRASTRUCTURE ACTIVITIES.—

“(A) AUTHORITY OF SECRETARY.—At any time before or after the Commission issues a final decision on an application for a construction authorization under paragraph (2), the Secretary may carry out any infrastructure activities that the Secretary determines to be necessary or appropriate to support the construction of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high-level radioactive waste, including—

“(i) safety upgrades;

“(ii) site preparation activities;

“(iii) the construction of—

“(I) a rail line to connect the Yucca Mountain site with the national rail network; and

“(II) any other facility necessary for the operation of the rail line described in subclause (I); and

“(iv) the construction, upgrade, acquisition, or operation of—

“(I) electrical grids or facilities;

“(II) related utilities;

“(III) communication facilities;

“(IV) access roads;

“(V) rail lines; and

“(VI) nonnuclear support facilities.

“(B) COMPLIANCE.—

“(i) IN GENERAL.—Subject to clause (ii), in carrying out any infrastructure activity under subparagraph (A), the Secretary shall comply with each applicable requirement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(ii) AUTHORITY OF SECRETARY.—If the Secretary determines that an environmental impact statement, environmental assessment, or other environmental analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is not required by the time the Secretary would otherwise be required to carry out an infrastructure activity under subparagraph (A), the Secretary shall not be subject to consideration in that statement, assessment, or analysis.

“(I) the need for the action;

“(II) any alternative action; or

“(III) other Federal agencies.

“(II) IN GENERAL.—If a Federal agency is required to consider the potential environmental impact of any infrastructure activity carried out under subparagraph (A), the Federal agency shall, without further action, adopt, to the maximum extent practicable, any impact statement, environmental assessment, or other environmental analysis prepared by the Secretary.

“(III) EFFECT OF ADOPTION OF STATEMENT.—

“The adoption by a Federal agency of an environmental impact statement, environmental assessment, or any other environmental analysis under subclause (I) shall satisfy each applicable requirement under the Act relating to the applicable infrastructure activity of the Federal agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) CONSIDERATION BY COMMISSION.—

“The Commission shall not consider the fact that the Secretary has undertaken an infrastructure activity as a factor in determining whether to approve, deny, or condition an application—

“(1) for a construction authorization;

“(ii) to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste, or

“(iii) for any other action relating to the repository.

“(6) PROCEDURES.—In reviewing applications under this subsection, the Commission shall make a transparent, independent, and impartial review and analysis prepared in connection with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10314(f)(6)) is amended—

“(1) by striking ‘site,’ or and inserting ‘area,’ and

“(2) by inserting before the period at the end the following:—,

“or any action related to construction or operation of a rail transport system for transporting spent nuclear fuel or high-level radioactive waste to the repository”.}

SEC. 1814. WASTE CONFIDENCE.

“For purposes of a determination by the Commission on whether to grant, amend, or renew any license to construct or operate any civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).—

“(1) the obligation of the Secretary to determine—

“(I) safety upgrades;

“(II) any facility necessary for the operation of the rail line described in subsection (I); and

“(III) electrical grids or facilities;

“(A) by inserting ‘site,’ or and inserting ‘area,’ and

“(B) by inserting ‘site,’ or and inserting ‘area,’ and

“(C) by inserting ‘site,’ or and inserting ‘area,’ and

“(D) any other highly radioactive material described in section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2201(b)(1)(D)) resulting from the operation of facilities licensed under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134); and

“(E) any other highly radioactive material that the Commission, consistent with law, may determine by rule requires permanent isolation."

Subtitle B—Administration

SEC. 1821. AIR QUALITY PERMITS.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10314) is amended by adding at the end the following:

“(c) AIR QUALITY.—

“(1) IN GENERAL.—The Administrator shall issue, administer, and enforce any air quality permit or requirement applicable to any facility under the Act that is subject to the requirements of this Act.

“(2) PREEMPTION OF STATE LAWS.—No State or local authority shall adopt, administer, or enforce any air quality permit or requirement applicable to any facility under the jurisdiction of, or any activity carried out by, a Federal agency that is subject to the requirements of this Act."

SEC. 1822. EXPEDITED AUTHORIZATIONS.

Section 120 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10316) is amended—

“(1) in subsection (a)—

“(A) in the first sentence, by inserting ‘or the conduct of an infrastructure activity’ after ‘repository’;

“(B) by inserting ‘State, local, or tribal’ after ‘Federal’ each place it appears; and

“(C) in the second sentence, by striking ‘repositories’ and inserting ‘a repository or infrastructure activity’;

“(2) in subsection (b), by striking ‘and may include terms and conditions permitted by law’; and

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

“(c) FAILURE TO GRANT AUTHORIZATION.—An agency or officer that fails to grant authorization by the date that is 1 year after the date of receipt of an application or request from the Secretaries subject to subsection (a) shall submit to Congress a written report that explains the reason for the failure to grant the authorization (or to reject the application or request) by that date.

“(d) TREATMENT OF ACTIONS.—For the purpose of applying any Federal, State, local, or tribal law, the taking of an action relating to a repository or an infrastructure activity shall be considered to be—

“(1) judicial, and not detrimental to the public interest and interstate commerce; and

“(2) consistent with the public convenience and necessity.

SEC. 1823. APPLICABILITY OF LAW TO CERTAIN MATERIALS.

Subtitle A of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.) is amended by adding at the end the following:

“SEC. 126. APPLICABILITY OF LAW TO CERTAIN MATERIALS.

“Section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6001(a)) shall not apply to—

“(1) any material, the title of which is in the possession of the Secretary, if the material is transported or stored in a container, package, cask, or other container that the Commission has certified for transportation or storage of that type of material; or

“(2) any material located at the Yucca Mountain site for disposal if the management and disposal of the material is managed and disposed of in accordance with a license issued by the Commission."

SEC. 1824. AGREEMENT WITH STATE OF NEVADA.

Section 170 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10173) is amended by striking subsection (c) and inserting the following:

“(c) AGREEMENT WITH STATE OF NEVADA.—

“(1) AGREEMENT.—

“A. IN GENERAL.—The Secretary shall offer to enter into a benefits agreement with the Governor of the State of Nevada (referred to in this subsection as the ‘State’). The Secretary shall offer to enter into a benefits agreement under this paragraph shall be negotiated in consultation with affected units of local government in the State.

“B. BENEFITS AGREEMENT.—A benefits agreement under this paragraph shall require that no funds received under the benefits agreement..."
shall be used to finance, promote, or assist any activity the goal or effect of which is to slow, interrupt, or prevent the licensing, construction, or operation of a geological repository in the State.

(1) PAYMENTS.—Subject to paragraph (3), the Secretary may pay to the State, pursuant to a benefits agreement under paragraph (1) —

(A) $100,000,000 for each fiscal year during the period beginning on the date on which a license application to build a geological repository in the State is submitted to the Secretary and ending on the date on which the license is granted;

(B) $250,000,000 for each fiscal year during the construction phase of the approved geological repository; and

(C) $500,000,000 for each fiscal year beginning after the date on which spent nuclear fuel is initially stored in the approved geological repository.

(3) CONDITIONS.—

(A) SOURCE OF FUNDS.—The Secretary shall use only amounts in the Low- and Zero-Carbon Electricity Technology Fund established by section 902 of the Lieberman-Warner Climate Security Act of 2008 to make payments to the State pursuant to paragraph (2).

(B) PROHIBITION.—No amounts in the Nuclear Waste Fund established by section 302(c)(5) shall be used to make payments to the State pursuant to paragraph (2).

(C) DISTRIBUTION TO AFFECTED UNITS OF LOCAL GOVERNMENT.—Of the amount of funds made available to the State for a fiscal year under paragraph (2), the State shall provide —

(i) 5 percent of the amount to Nye County; and

(ii) 5 percent of the amount to other affected units of local government.

SEC. 1925. AUTHORITY FOR NEW STANDARD CONTRACTS.

Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)) is amended —

(1) by redesignating subparagraphs (A) and (B) as clauses (1) and (2), respectively, and indenting appropriately;

(2) by striking “(5) Contracts” and inserting the following:

“(5) REQUIREMENTS RELATING TO CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraph (B), a contract; and

(B) by adding at the end the following:

“(B) CIVILIAN NUCLEAR POWER REACTORS.—After the date of enactment of the Nuclear Waste Policy Amendments Act of 2008, for any civilian nuclear power reactor for which a license application is filed with the Commission in accordance with section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134), a contract under this section shall—

(i) not later than 60 days after the date on which the Commission receives the license application, be entered into by the Secretary;

(ii) be consistent with the standard contract for disposal of spent nuclear fuel and/or high-level radioactive waste described in section 961.11 of title 10, Code of Federal Regulations (as in effect on January 1, 2006); and

(iii) require that not later than 35 years after the date on which the civilian nuclear power reactor first commences commercial operation, the Secretary take title to, transport, store, and dispose of the spent nuclear fuel or high-level radioactive waste of the civilian nuclear power reactor; and

(iv) not contain any provision that provides for the full kilowatt-hour fee established by paragraph (2).”.

SA 4932. Mr. CRAIG (for himself, Mr. DOMENICI, Mr. BARRASSO, Mr. ALLARD, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish and program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 19 through 24 and insert the following:

(1) ADDITIONAL; ADDITIONAL.—

(A) IN GENERAL.—The terms “additional” and “additionally” mean the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to business-as-usual, measured as the difference between

(i) baseline greenhouse gas fluxes of an offset project; and

(ii) greenhouse gas fluxes of the offset project.

(B) BIOLOGICAL SEQUESTRATION.—The terms “additional” and “additionally” mean, with respect to biological sequestration, the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to the baseline, measured as the difference between

(i) the baseline established for the applicable base year;

(ii) verified net changes in greenhouse gases or carbon stocks.

On page 25, strike lines 5 through 11 and strike “sections 1313(a) and 1314(b)” and insert “section 1313(a)”.

Beginning on page 74, strike line 6 through 9 and insert the following:

TITLE III—REDUCING EMISSIONS THROUGH DOMESTIC OFFSETS

On page 78, lines 4 and 5, strike “inter—national” and insert “domestic”.

On page 84, strike lines 7 through 14 and insert the following:

(B) changes in carbon stocks attributed to land use change and forestry activities, including—

(i) afforestation or reforestation of acreage not forested as of October 18, 2007;

(ii) sustainably managed forests resulting in positive changes in carbon stocks, including—

(I) long-lived wood products in use for a period of at least 100 years; and

(II) wood stored in landfills in accordance with guidelines established pursuant to section 1606(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b));

(iii) conservation of grassland and forested land;

On page 98, line 7, strike “and”;

On page 98, between lines 7 and 8, insert the following:

(C) guidelines established pursuant to section 1606(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) for use in the quantification of forestry and agriculture offsets; and

On page 98, line 8, strike “(G)” and insert “(D)”.

On page 98, strike lines 20 through 23 and insert the following:

(B) except in any case in which a forest is managed under a third-party certification system (including but not limited to, the Sustainable Forestry Initiative, the Forest Stewardship Council, and the American Tree Farm System, requires that leakage be subtracted from reductions, destruction, avoidance in greenhouse gas emissions or increases in sequestration attributable to a project.

Beginning on page 98, strike line 24 and all that follows through page 99, line 18, and insert the following:

(2) ADDITIONALITY DETERMINATION AND BASELINE ESTIMATION.—The standardized methods used to determine additionality and establish baselines shall, for each project type, at a minimum—

(A) in the case of a biological sequestration project, determine the emissions gas flux or change in carbon stocks using a base year as the baseline carbon stocks, to be established using forest and agriculture inventory quantification methods in accordance with section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b));

(B) in the case of an emission reduction project, use a baseline from comparable land or facilities; and

(C) in the case of a sequestration project or emission reduction project, specify a selection period.

On page 112, between lines 2 and 3, insert the following:

SEC. 312. DOMESTIC FORESTRY CARBON MANAGEMENT TOOLS.

(a) DEFINITION OF RENEWABLE BIOMASS.—

Section 2111(a)(1) of the Clean Air Act (42 U.S.C. 7450(o)(1)) is amended by striking subparagraph (I) and inserting the following:

(I) RENEWABLE BIOMASS.—The term ‘renewable biomass’ means—

(i) planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the date of enactment of the Lieberman-Warner Climate Security Act of 2008 that is—

(1) actively managed; or

(2) fallow and nonforested;

(ii) renewable materials (such as trees, wood, brush, thinnings, chips, and slash) that—

(I) are removed—

(aa) to reduce hazardous fuels;

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

(cc) to restore forest health;

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

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

(aa) applicable land management plans; and

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

(III) renewable materials (such as trees, wood, brush, thinnings, chips, and slash) that are removed from non-Federal forest land or forest land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

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

(II) algae; and

(III) separated yard waste or food waste, including recycled cooking grease.

(b) TAX CREDIT RATE PARITY FOR OPEN-LOOP BIOMASS FACILITIES.—

(1) IN GENERAL.—Section 45(b)(4)(A) of the Internal Revenue Code of 1986 (relating to credit rate) is amended by striking “(3).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to electricity produced and sold in calendar years beginning after the date of the enactment of this Act.

(c) STEWARDSHIP END-RESULT CONTRACTING.— Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—
(1) by redesigning subsection (b) as subsection (j) and moving that subsection so as to appear at the end of the section; and
(2) by inserting after subsection (g) the following:

“(h) CANCELLATION OR TERMINATION COSTS.—

“(1) IN GENERAL.—Notwithstanding section 301B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) or any other provision of law, the Secretary shall obligate funds to cover the cost of canceling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2194 note; section 101(e) of division A of Public Law 105-277) until the contract is cancelled.

“(2) COST OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract may be paid from any appropriations that are made available to the Forest Service.

“(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the ‘Anti-Deficiency Act’), the Secretary shall seek a supplemental appropriation.

Beginning on page 112, strike line 3 and all that follows through page 116, line 16.

On page 116, strike lines 15 through 22 and insert the following:

(3) Increase the quantity of offset allowances.

SA 4933. Mr. CRAIG (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 277, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—NEXT GENERATION NUCLEAR PLANT

SEC. 1801. NEXT GENERATION NUCLEAR PLANT PROJECT MODIFICATIONS.

(a) PROJECT MANAGEMENT.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended:

(1) in subsection (b)—

(A) by striking the subsection designation and heading and all that follows through “The Secretary” and inserting the following: “(A) ESTABLISHMENT AND OBJECTIVE.—

‘‘(1) ESTABLISHMENT.—The Secretary;’’ and

(B) by adding at the end the following:

‘‘(2) OBJECTIVE.—

‘‘(A) DEFINITION OF HIGH-TEMPERATURE, GAS-COOLED NUCLEAR ENERGY TECHNOLOGY.—

In this paragraph, the term ‘high-temperature, gas-cooled nuclear energy technology’ means a high-temperature, gas-cooled nuclear energy system to provide high-temperature process heat to produce electric energy, steam, and other heat transport fluids; and

(B) hydrogen and oxygen, separately or in combination.’’;

(b) PROJECT MANAGEMENT.—Section 642 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended to read as follows:

‘‘SEC. 642. PROJECT MANAGEMENT.

‘‘(a) DEPARTMENTAL MANAGEMENT.—

‘‘(1) IN GENERAL.—The Project shall be managed in the Department by the Office of Nuclear Energy.

‘‘(2) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—

‘‘(A) IN GENERAL.—Subject to subparagraph (B), the Project may be carried out in coordination with the Generation IV Nuclear Energy Systems Initiative.

‘‘(B) REQUIREMENT.—Regardless of whether the Project is carried out in coordination with the Generation IV Nuclear Energy Systems Initiative under subparagraph (A), the Secretary shall carry out a separate budget line-item for the Project.

‘‘(3) INTERFACE REQUIREMENTS.—

‘‘(i) IN GENERAL.—Any activity to support the Project by an individual or entity in the private industry shall be carried out pursuant to a cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Department and the industry group established under subsection (c).

‘‘(ii) LABORATORY MANAGEMENT.—

‘‘(A) IN GENERAL.—The Idaho National Laboratory shall be the lead National Laborator
y for the Project.

‘‘(B) POLICY.—The Idaho National Laboratory shall collaborate regarding research and development activities with other National Laboratories, institutions of higher education, research institutes, representatives of industry, non-industrial organizations, and Federal agencies to support the Project.

‘‘(C) INDUSTRY GROUP.—

‘‘(1) ESTABLISHMENT.—The Secretary shall establish a group of appropriate industrial partners in the private sector to carry out cost-sharing agreements with the Department to support the Project.

‘‘(2) REQUIREMENT.—The agreement under subparagraph (A) shall contain a provision under which the industry group may enter into contracts with entities in the public sector for the provision of services and products to that sector that reflect typical commercial practices regarding terms and conditions for risk, accountability, performance, and quality.

‘‘(C) PROJECT MANAGEMENT.—

‘‘(i) IN GENERAL.—The industry group shall use commercial practices and project management processes and tools in carrying out activities to support the Project.

‘‘(ii) INTERFACE REQUIREMENTS.—The requirements for interface between the project management requirements of the Department and the private sector for the provision of services and products to that sector that reflect typical commercial practices and project management processes and tools described in clause (i) shall be defined in the agreement under subparagraph (A).

‘‘(D) INDUSTRY GROUP.—The agreements of industrial partners funded by the Project shall be cost-shared in accordance with section 988.

‘‘(D) PREFERENCES.—Preference in determining the final structure of industrial partnerships under this part shall be given to a structure (including designating as a lead industrial partner the Idaho National Laboratory or any portion of the Project, as necessary).

‘‘(E) OTHER LABORATORY CAPABILITIES.—The Project may use, if appropriate, facilities at other National Laboratories.’’

(c) PROJECT ORGANIZATION.—Section 643 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended—

(1) in subsection (a)(2), by inserting “transportation, conversion, and”;

(2) in subparagraph (b)(A), by striking “through a competitive process,”;

(3) by redesigning subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;

(4) in subparagraph (B), by striking “through a competitive process,”;

(5) by redesigning subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;

(6) in subparagraph (C), by striking “reactor” and inserting “energy system”; and

(7) by redesigning subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting the clauses appropriately.

SEC. 1802. OVERLAPPING PHASES.

The phases described in paragraph (1) may overlap for the Project or any portion of the Project, as necessary.’’;

and

(3) in subsection (c)—

(A) in paragraph (1), by striking “power-plant” and “power-plant”;

(B) in paragraph (2), by adding at the end the following:

‘‘(2) INDUSTRY GROUP.—The industry group shall enter into a cooperative agreement with the Department to support the Project under which the industry group may enter into contracts with entities in the public sector for the provision of services and products to that sector that reflect typical commercial practices and project management processes and tools, as necessary, into any necessary contracts for services, supplies, and equipment in carrying out an agreement with the Department.’’;

and

(C) in paragraph (3)—...
(i) in the paragraph heading, by striking "RESEARCH"; (ii) in the matter preceding subparagraph (A), by striking "Research"; (iii) in the matter following "NEAC" each place it appears and inserting "NEAC"; (iv) in subparagraph (A), by striking clause (i) and inserting the following: "(i) a program plan for the Project prepared by the Office of Nuclear Energy and all progress under the Project on an ongoing basis;" (v) in subparagraph (B), by striking "or appoint" and inserting "by appointing"; and (vi) in subparagraph (D)— (I) by striking "a determination" and inserting the following: "(I) in GENERAL.—On a determination;" (II) in clause (i) (as designated by subparagraph (D))— (aa) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(A)"; and (bb) by striking "subsection (b)(2)" and inserting "subsection (b)(1)(B)"; and (III) by adding at the end the following: "(ii) Scope.—The scope of the review conducted under clause (i) shall be in accord- ance with an applicable cooperative agree- ment or other assistance agreement (such as a technology investment agreement) between the Secretary and the industry group established under section 642(c)." (d) NUCLEAR REGULATORY COMMISSION.—Section 644 of the Energy Policy Act of 2005 (42 U.S.C. 16024) is amended— (1) in subsection (A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subpara- graphs appropriately; (B) by striking "Not later than" and inserting the following: "(1) IN GENERAL.—Not later than;" and (C) by adding at the end the following: "(2) REQUIREMENT.—To the maximum ex- tent practicable, in carrying out subpara- graphs (B) and (C) of paragraph (1), the Nu- clear Regulatory Commission shall inde- pendently review and, as appropriate, use the results of analyses conducted for or by the li- censee applicant;" and (2) by striking subsection (c) and inserting the following: "(c) ONGOING INTERACTION.—The Nuclear Regulation Commission shall establish a separate program office for advanced reactors— (1) to develop and implement regulatory requirements that, in combination with the safety bases of the type of nuclear reactor de- veloped by the Project, with the specific objec- tive that the requirements shall be applied to follow-on commercialized high-temperature, gas-cooled nuclear reactors; (2) to avoid conflicts in the availability of resources with licensing activities for light water reactors; (3) to focus and develop resources of the Nuclear Regulatory Commission for the re- view of advanced reactors; (4) to support the effective and timely re- view of preapplication activities and review of applications to support applicant needs; and (5) to provide for the timely development of regulatory requirements, including through the preapplication process, and re- view of applications for advanced technol- ogies such as high-temperature, gas- cooled nuclear technology systems; ". (e) PROJECT TIMELINES AND AUTHORIZATION OR APROPRIATIONS.—Section 645 of the En- ergy Policy Act of 2005 (42 U.S.C. 16025) is amended— (1) by striking subsections (a) and (b) and inserting the following: "(a) SUMMARY OF AGREEMENT.—Not later than December 31, 2009, the Secretary shall submit to Congress a report that contains a summary of each cooperative agreement or other assistance agreement (such as a tech- nology investment agreement) entered into between the Secretary and the industry group under section 642(a)(3), including a de- scription of the means by which the agree- ment will provide for successful completion of the development, design, license, construction, and initial operation and demon- stration period of the prototype facility of the Project. (b) OVERALL PROJECT PLAN.— (1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall submit to Con- gress an overall project plan for the Project, to be prepared jointly by the Secretary and the industry group under section 642(c), pursuant to a cooperative agreement or other assistance agreement (such as a technology investment agreement). (2) INCLUSIONS.—The plan under para- graph (1) shall include— (A) a summary of the schedule for the de- sign, licensing, construction, and initial op- eration and demonstration period for the nuclear energy system prototype facility and hydrogen production prototype facility of the Project; (B) the process by which a specific design for the prototype nuclear energy system fac- ility and hydrogen production facility will be selected; (C) the specific licensing strategy for the Project, including— (i) resource requirements of the Nuclear Regulatory Commission; and (ii) the schedule for the submission of a preapplication, the submission of an applica- tion, and application review for the proto- type nuclear energy system facility of the Project; (D) a summary of the schedule for each major event relating to the Project; and (E) a time line and cost-sharing profile to support planning for appropria- tions; and (2) in subsection (d), in the matter pre- ceding paragraph (1), by striking "research and construction activities" and inserting "research and development, design, licensing, construction, and initial operation and demonstration activities."; (f) PROVISIONS.—This Act shall enter into force on the date of enactment of this Act and the amendments made by this Act shall not take effect until the date later of— (A) the date on which the National Acad- emy of Sciences submits to the Adminis- trator and Congress a certification that the National Academy of Sciences has deter- mined, with not less than 90 percent cer- tainty, that the provisions of this Act will reduce global average temperature by not less than 0.5 degrees Celsius by January 1, 2050, as compared to the global average temperature that would have existed on that date in the absence of this Act; and (B) the date on which the Administrator certifies that the cost of implementing this Act will not exceed— (i) $100,000,000,000 in reduced gross dom- estic product of the United States; bears to (i) the total number of degrees of globally averaged temperature increase avoided by 2050; (2) TERMINATION.—The authorities provided by the United States under this Act and the amendments made by this Act shall terminate on the date that is 10 years after the date of enactment of this Act if the Administrator determines that China or India has not adopted a climate change proposal similar in scope and effect to this Act by that date.

SA 4935. Mr. CARDIN (for himself, Mr. ALEXANDER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environ- mental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other pur- poses; which was ordered to lie on the table; as follows:

On page 474, line 14, strike "and". On page 475, strike line 5 and insert the fol- lowing:

of the covered entities; and (5) the energy policy of the United States, including— (A) a review of relevant analyses of the current and long-term energy policies of, and conditions in, the United States; (B) an identification of the sources and trends, by country of origin, of energy used by the United States; (C) an identification of problems that might threaten the achievement by the United States of long-term energy policy goals, including energy independence; (D) an analysis of potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and (E) recommendations to ensure, to the maximum extent practicable, that the en- ergy policy goals of the United States are achieved.

SA 4936. Mr. CARDIN (for himself and Mr. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Ad- ministrator of the Environmental Pro- tection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as fol- lows:

At the end of title XII, add the following:

Subtitle E—Climate Science Fund

SEC. 1241. CLIMATE SCIENCE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Climate Science Fund" (referred to in this section as the "Fund").

(b) PURPOSES.—The purposes of the Fund shall be—

(1) to support focused research initiatives directed toward the assimilation of climate monitoring observations into research and operational models for climate, weather, and ecosystems; (2) to expand global data collection, moni- toring, and analysis activities of the atmos- phere, ocean, cryosphere, land cover and use, and terrestrial and freshwater eco- systems— (A) to provide continuous, reliable, use- able, and accessible information on— (i) the state, change, and variability of the climate system; and (ii) the response of the biosphere; and (B) for the purposes of— (i) prediction of climate and weather, and (ii) the ecological response of those changes; and
(ii) the reduction of uncertainties in that prediction;
(3) to design, deploy, and maintain hydrologic and ecologic observing systems suitable for detecting climate change and the influence of climate change on water and natural resources;
(4) to strengthen global, regional, and local data collection and monitoring of greenhouse gas concentrations and aerosol concentrations—
(A) for the purpose of verifying greenhouse gas levels; and
(B) to reduce uncertainties associated with interannual variability in the global carbon cycle and the radiative influence of other atmospheric constituents in the forcing of climate change;
(5) to maintain and enhance regional and local ground observing networks for the purposes of—
(A) developing and maintaining long-term climate records;
(B) climate monitoring; and
(C) predicting climate and weather patterns;
(6) to strengthen intergovernmental coordination for environmental data acquisition, dissemination; and
(7) to improve the use of climate information for decisionmaking through an integrated program of research and assessment that—
(A) transitions research to operations and operational production; and
(B) delivers local and regional climate services that can be used to enhance adaptive management options;
(8) to support emerging climate science research priorities identified by the Committee on Environment and Natural Resources; and
(9) to increase funding for—
(A) climate and ocean observing systems;
(B) ground-based terrestrial and freshwater aquatic long-term monitoring systems;
(C) atmospheric and deposition monitoring networks;
(D) data quality control, storage, and access; and
(E) climate and environmental modeling workforce development.
(c) Submission of Global Change Research Program Budget Requirements to Administrator.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the National Science and Technology Council, in consultation with the Committee on Environment and Natural Resources, shall submit to the Administrator the budget requirements for global change research in the United States for each fiscal year.
(d) Disposition in Fund.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall—
(1) auction a quantity of the emission allowances established for that calendar year pursuant to section 201(a) sufficient to generate proceeds equal to the amount specified in the budget submitted for the applicable fiscal year under subsection (c); and
(2) deposit those proceeds in the Fund.
(e) Use of Funds.—Notwithstanding section 3302 of title 31, United States Code, the proceeds of auctions under this section shall—
(A) be credited as offsetting collections to carry out the United States Global Change Research Program;
(B) be available for expenditure only to pay the costs of carrying out the United States Global Change Research Program;
(C) be available only to the extent provided in advance in an appropriations Act; and
(D) remain available until expended.
SEC. 611. PUBLIC TRANSPORTATION AND TRANSPORTATION ALTERNATIVES.
(a) Transportation Sector Emission Reduction Fund.—There is established in the Treasury of the United States a fund, to be known as the “Transportation Sector Emission Reduction Fund”.
(b) Auction of Allowances.—In accordance with subsections (c) and (d), to fund awards for transportation alternatives including public transportation and related activities, for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.
(c) Number; Frequency.—For each calendar year during the period described in subsection (b), the Administrator shall—
(1) conduct not fewer than 4 auctions; and
(2) schedule the auctions in a manner to ensure that—
(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and
(B) the interval between each auction is of equal duration.
(d) Quantities of Emission Allowances Auctioned.—For each calendar year of the period described in subsection (b), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage for auction for public transportation and transportation alternatives</th>
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<td>2012</td>
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SA 4938. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 611, and insert the following:

SEC. 611. PUBLIC TRANSPORTATION AND TRANSPORTATION ALTERNATIVES.
(e) Deposits.—The Administrator shall de-
posit all proceeds of auctions conducted pur-
suant to subsections (b) and (c), immediately on receipt of those proceeds, in the Transpor-
tation Sector Emission Reduction Fund es-
established by subsection (a).
(i) Use of Funds.—For each of calendar years 2012 through 2050 all funds deposited in the Transportation Sector Emission Reduc-
tion Fund in the preceding year pursuant to subsection (e) shall be made available, with-
out further appropriation or fiscal year limita-
tion, for grants described in subsections (g) through (l).
(g) Grants to Provide for Additional and Improved Public Transportation Service.—
(1) In General.—Of the funds deposited in the Transportation Sector Emission Reduc-
tion Fund each year pursuant to subsection (e), 65 percent shall be distributed to des-
ignated recipients (as defined in section 5307(a) of title 49, United States Code) to
maintain or improve public transportation and associated measures through activities
eligible under that section, including—
(A) planning activities;
(B) transit enhancements, including pedes-
trian and bicycle infrastructure;
(C) improvements to lighting, heating, cooling,
ventilation systems in stations and other facilities that reduce direct or indirect
 greenhouse gas emissions;
(D) adjustments to signal timing or other vehicle controlling systems that reduce di-
rect or indirect greenhouse gas emissions;
(E) purchasing or retrofitting rolling stock
to improve efficiency or reduce greenhouse
gas emissions; and
(F) improvements to energy distribution
systems.
(2) Distribution.—Of the proceeds of auc-
tions conducted under this section, the Ad-
ministrator shall distribute under paragraph
(1)—
(A) 60 percent in accordance with the for-
mulas contained in subsections (a) through
(c) of section 5336 of title 49, United States
Code; and
(B) 40 percent in accordance with the for-
mulas contained in section 5340 of that title.
(3) Terms and Conditions.—A grant pro-
vided under this subsection shall be to re-
duce direct or indirect greenhouse gas emis-
sions in a manner consistent with the terms and condi-
tions applicable to a grant provided under
(4) Cost Share.—The Federal share of cost
of carrying out an activity using a grant
under this subsection shall be determined in accordance with section 5307(e) of title 49,
United States Code.
(h) Grants for Construction of New Public
Transportation Projects.—
(1) In General.—Of the funds deposited in
the Transportation Sector Emission Reduc-
tion Fund each year pursuant to subsection
(e), 30 percent shall be distributed to State
and local government authorities, for design,
construction, and local government authorities, for design,
construction, and local government authorities, for design,
construction, and construction of new fixed
guideway transit projects or extensions to
existing fixed guideway transit systems.
(2) Applications.—Applications for grants
under this subsection shall be reviewed ac-
cording to the process and criteria estab-
lished under section 5309(c) of title 49, United States Code, for major capital investments
and section 5309(d) of title 49, United States Code
for other projects.
(i) Terms and Conditions.—Grant funds
awarded under this subsection shall be sub-
ject to the terms and conditions applicable
to a grant made under section 5309 of title 49,
United States Code.
(j) Grants for Transportation Alternatives
and Travel Demand Reduction Projects.—
(1) In General.—Of the funds deposited
into the Transportation Sector Emission Re-
duction Fund each year pursuant to sub-
section (e), 5 percent shall be awarded to des-
ignated recipients (as defined in section
5307(a) of title 49, United States Code) or
State or local government authorities, in-
cluding regional planning organizations and
Metropolitan Planning Organizations, to as-
sist in reducing the direct and indirect
 greenhouse gas emissions of the systems of
the regional transportation sector, through—
(A) programs to reduce vehicle miles trav-
eled;
(B) bicycle and pedestrian infrastructure,
including trail networks integrated with
transportation plans or bicycle mode-share
targets;
(C) programs to establish or expand tele-
commuting or car pool projects that do not
include new roadway capacity;
(D) transportation and land-use scenario
development and stakeholder engagement to sup-
port development of integrated transpor-
tation plans; and
(E) improvements in travel and land-use
data collection and in travel models to bet-
ter measure greenhouse gas emissions and
emissions reductions.
(2) Distribution of Funds.—
(A) In General.—In determining the recipi-
ents of grants under this subsection, ap-
lications shall be evaluated based on the
total direct and indirect greenhouse gas
emissions reductions that are projected to
result from the project and projected reduc-
tions as a percentage of the total direct
and indirect emissions of an entity using
methods developed and promulgated by the Ad-
ministrator, in concert with the Secretary of
Transportation.
(B) Methods.—The methods described in
subparagraph (A) shall be promulgated not
later than 24 months after the date of enact-
ment of this Act.
(3) Government Share of Costs.—The Fed-
eral share of the cost of an activity funded
using amounts made available under this
subsection may not exceed 80 percent of the
cost of the activity.
(4) Terms and Conditions.—Except to the
extent inconsistent with the terms of this
subsection, grant funds awarded under
this subsection shall be subject to the terms and condi-
tions applicable to a grant made under
(j) Condition for Receipt of Funds.—To be
eligible to receive funds under this sec-
tion, projects or activities must be part of an
integrated State-wide, regional, or local
transportation plan that shall—
(1) include all modes of surface transpor-
tation;
(2) utilize integrated transportation data
collection, monitoring, planning, and mod-
eling methods that consider land use and ac-
count for non-motorized and sub-zone trips;
(3) report every three years on estimated
direct and indirect transportation sector
greenhouse gas emissions;
(4) be designed to reduce greenhouse gas
emissions from the transportation sector
through setting specific reduction targets,
managing motor vehicle usage; and
(5) be certified by the Administrator as
consistent with the purposes of this Act.
(k) Transportation Sector Technical Ca-
pacity and Standards.—
(1) Study.—Not later than 180 days after
the date of enactment of this Act, to maxi-
mize greenhouse gas emission reductions
from the transportation sector—

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SA 4940. Mr. SMITH (for himself, Mr. WYDEN, Ms. CANTWELL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease greenhouse gas emissions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 290, strike line 16 and all that follows through page 291, line 4 and insert the following:

(a) Definitions.—In this section:

(1) Marine and hydroskinetic renewable energy.

(A) In general.—The term “marine and hydroskinetic renewable energy” means energy derived from—

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

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

(iii) free-flowing water in an irrigation system, canal, or other man-made channel, including projects that use nonmechanical structures to accelerate the flow of water for electric power production purposes; or

(iv) differentials in ocean temperature (ocean thermal energy conversion).

(B) Exceptions.—The term “marine and hydroskinetic renewable energy” does not include any energy that is derived from any source that uses a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.

(2) Nonhydroelectric dam.—

(A) In general.—The term “nonhydroelectric dam” means any nonhydroelectric dam if—

(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements;

(ii) the nonhydroelectric dam was placed in service prior to the enactment of this Act and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this Act; and

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

(B) Certification.—The Federal Energy Regulatory Commission shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria described in subparagraph (A)(iii).

(C) Effect on standards.—Nothing in this paragraph affects the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydroelectric projects under part I of the Federal Power Act (16 U.S.C. 801 et seq.).

(3) Renewable-energy source.—The term “renewable-energy source” means energy from 1 or more of the following sources:

(A) Solar energy.

(B) Wind.

(C) Geothermal energy.

SA 4941. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease greenhouse gas emissions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON FAILURE OF EMERGENCY OFF-RAMP TO PREVENT SIGNIFICANTLY HIGHER HOME HEATING BILLS CAUSED BY THIS ACT.

(a) Definitions.—In this section:

(1) Interagency consultation.—The term “interagency consultation” means consultation with the Secretary of Health and Human Services and the Administrator.

(2) Region of the country.—The term “region of the country” means any of—

(A) the northeastern region of the United States, comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and the District of Columbia;

(B) the midwestern region of the United States, comprised of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin;

(C) the Great Plains region of the United States, comprised of the States of Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota;

(D) the southern region of the United States, comprised of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia;

(E) the mountain west region of the United States, comprised of the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming; and

(F) the western rim of the United States, comprised of the States of Alaska, California, Hawaii, Oregon, and Washington.

(b) Administrator action.—Notwithstanding any other provision of this Act, upon a determination under subsection (c) of the failure of emergency off-ramp provisions under this subtitle to prevent significantly higher home heating bills caused by this Act, the Administrator shall determine whether implementation of provisions of this Act as the Administrator determines are necessary to prevent any increase in the average retail price to households of natural gas or heating oil, nationwide or in any region of the country, to increase more than 20 percent since the date of enactment of this Act.

SA 4942. Mr. BOND submitted an amendment intended to be proposed by
him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 1812. ADVANCED VEHICLE BATTERY MANUFACTURING PROCESS IMPROVEMENTS.
(a) IN GENERAL.—The Secretary shall establish a program to provide grants to improve domestic manufacturing equipment and assembly process capabilities for advanced vehicle batteries and components that—

(1) reduce manufacturing time;
(2) reduce manufacturing energy intensity;
(3) reduce negative environmental impact or byproducts; and
(4) increase spent battery or component recycling.

(b) INCLUSION.—The Secretary shall include in the program established under subsection (a) grants to support the development and deployment of domestic high-speed, automated, production-scale advanced vehicle battery and component manufacturing equipment.

(c) COST SHARING.—The Secretary shall require that not less than 20 percent of the cost of a project funded by a grant under this section be provided by a non-Federal source.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2010 through 2014.

SEC. 1813. DOMESTIC ADVANCED VEHICLE BATTERY MANUFACTURING SUPPLY BASE EXPANSION.
(a) IN GENERAL.—The Secretary shall establish a program to provide grants to expand the domestic manufacturing supply base for advanced vehicle batteries and components with a particular emphasis on facilities that manufacture or assemble—

(1) cell materials, including precursors for electrodes;
(2) substrates and active materials for electrodes;
(3) carbonaceous and graphite additives;
(4) separators;
(5) electrolytes; and
(6) roll stock aluminum and copper.

(b) INCLUSION.—The Secretary shall include in the program established under subsection (a) grants to support the development and deployment of domestic high-speed, automated, production-scale advanced vehicle battery and component manufacturing equipment.

(c) COST SHARING.—The Secretary shall require that not less than 20 percent of the cost of a project funded by a grant under this section be provided by a non-Federal source.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $650,000,000 for each of fiscal years 2010 through 2014.

SEC. 1815. OPERATING PLAN.
Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of...
of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriating committees of Congress an operating plan for spending the full amount of funds authorized for sections 1812, 1813, and 1814.

Subtitle B—Reduced Carbon Emissions Through Renewable and Hydrogen Fuel Infrastructure

SEC. 1821. STATEMENT OF POLICY.
It is the policy of the United States to reduce emissions from fossil-based transportation fuel use by aggressively deploying renewable fuel infrastructure to achieve the widespread use of renewable fuels.

SEC. 1822. EXPANDED RENEWABLE FUEL INFRASTRUCTURE GRANTS.
(a) INFRASTRUCTURE DEVELOPMENT GRANTS.—The Secretary shall expand and accelerate the program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel.

(b) LIMITATIONS.—Assistance provided under this section shall not exceed the greater of—

(1) 50 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure;

(2) $50,000 for a combination of equipment at any 1 retail outlet location.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2010 through 2014.

SEC. 1823. HYDROGEN FUELING PUMPS.
(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a program under which the Secretary of Transportation shall provide grants with the goal of establishing, by calendar year 2013, at least 100 publicly available hydrogen fueling pumps at retail gas stations in at least 2 selected regions.

(b) REQUIRED CONTRIBUTION.—As a condition of receiving a grant under subsection (a) for a hydrogen fueling pump, the owner or operator of a service station shall be required to contribute, or obtain funding from a State or local government entity, for at least 10 percent of the cost of the hydrogen fueling pump.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation to carry out this section $250,000,000 for each of fiscal years 2010 through 2014.

SEC. 1824. FEDERAL ACQUISITION OF HYDROGEN FUEL CELL VEHICLES.
There is authorized to be appropriated to the Administrator of General Services for the acquisition of hydrogen fuel cell vehicles for use by Federal agencies $85,000,000 for each of fiscal years 2009 through 2013.

Subtitle C—Reduced Carbon Emissions Through Electricity Transmission and Management Efficiency

SEC. 1831. STATEMENT OF POLICY.
It is the policy of the United States to reduce carbon emissions from electric power production through more efficient and reliable energy use, and management efficiency gains.

SEC. 1832. ELECTRICITY TRANSMISSION, DISTRIBUTION, AND MANAGEMENT EFFICIENCY RESEARCH AND DEVELOPMENT.
(a) SUPERCONDUCTING TRANSMISSION.—

(1) I N GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop high-temperature superconducting power equipment that, in comparison to conventional copper wires—

(A) increases electricity carrying capacity; (B) increases critical current limiting and overload protection; (C) reduces energy loss due to electrical resistance; (D) reduces equipment footprint; or (E) reduces environmental impacts.

(2) REQUIRED EFFORTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts to improve—

(A) the nanoscale engineering of high-temperature superconducting wire; (B) the production of high-temperature superconducting wire in long lengths in a cost-effective manner; (C) the coating and preparation of underlying high-temperature superconducting wire metal substrate; (D) the joining of high-temperature superconducting conductors to normal conductors; and (E) the minimization of electrical loss due to alternating currents.

(b) TRANSPORTATION.

(1) I N GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to develop efficiency improvements in electricity distribution transformers.

(2) REQUIRED EFFORTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts to—

(A) improve initial and life-cycle costs; (B) improve utilization; and

(C) to make metallurgical advances in transformer components.

(c) GRID COMMUNICATION.—

(1) I N GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop cost-effective improvements in grid communication technologies.

(2) REQUIRED COMPONENTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts to—

(A) remote sensors (including nanosensors) to be used in the electrical grid to enable the timely control, identification, and correction of temperature, faults, and other adverse on-grid effects; (B) smart meters that have the capability to be used to carry out real-time data acquisition and dynamic management; (C) grid management, distribution, and operation systems; and (D) interoperability standards to ensure the integration of all grid sensor, meter, and management systems.

(d) END-USE TECHNOLOGIES.—The Secretary shall expand and accelerate efforts to conduct research and develop consumer technologies to reduce electricity usage, with a particular emphasis on smart thermostats that enable consumers to change energy usage based on—

(1) the time of day; (2) peak energy usage times; or (3) any other information made available through grid communication technology.

(e) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds available for this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2010 through 2014.

Subtitle D—Reduced Carbon Emissions Through Residential and Commercial Energy Efficiency

SEC. 1841. STATEMENT OF POLICY.
It is the policy of the United States to reduce carbon emissions from electric power production through more efficient residential and commercial energy using technologies.

SEC. 1842. RESIDENTIAL AND COMMERCIAL ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.
(a) I N GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop methods to—

(1) to reduce installation costs of geothermal heat pumps for new and existing residences and businesses;

(2) to improve the widespread availability and reliability of high-efficiency heat pump water heaters;

(3) to advance the efficiency and cost-effectiveness of fluorescent, high-intensity discharge, and light-emitting diode lamps; and

(4) to improve small-scale battery and energy storage technologies.

(b) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds made available for this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2010 through 2014.

SEC. 1833. ELECTRICITY TRANSMISSION, DISTRIBUTION, AND MANAGEMENT EFFICIENCY TECHNOLOGY DEVELOPMENT.
(a) I N GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants for the deployment of electricity transmission, distribution, and management efficiency technologies.

(b) PRIORITY.—In providing grants under this section, the Secretary shall give the priority to applications with proposed projects that—

(1) reduce congestion in transmission corridors; or

(2) relieve demand for electricity generation growth in areas with inadequate access to—

(A) renewable energy sources; or (B) low-carbon fuel sources.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any grant made by the Secretary in carrying out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $400,000,000 for each of fiscal years 2010 through 2014.

SEC. 1834. STATE CONSIDERATION OF HIGH-TEMPERATURE SUPERCONDUCTIVITY POWER EQUIPMENT.
Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 1307(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1665, 1791)) is amended—

(1) by redesignating paragraphs (16) and (17) as added by section 1307(a) of that Act as paragraphs (18) and (19), respectively; and

(2) by adding at the end following—

"(20) RECOVERY OF COSTS RELATING TO DEPLOYMENT OF POWER EQUIPMENT.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any costs of the electric utility relating to the deployment of high-temperature superconductivity power equipment.".
Subtitle E—Reduced Carbon Emissions Through Increased Renewable Energy Storage

SEC. 1851. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from coal-fired facilities through the increased ability to store energy generated from renewable energy sources.

SEC. 1852. RENEWABLE ENERGY STORAGE RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and development on capture and storage of carbon dioxide emissions from coal-fired power plants and efforts to increase the commercial use of large-scale electric energy storage systems.

(b) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds authorized for this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the expenditures required under this section—

(1) for innovations at power plants $850,000,000 for the period of fiscal years 2009 through 2020;

(2) for new combustion systems $250,000,000 for each of fiscal years 2010 through 2020; and

(3) for carbon capture, sequestration, and storage $400,000,000 for each of fiscal years 2010 through 2020.

SEC. 1853. RENEWABLE ENERGY STORAGE DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants for the deployment of large-scale electric energy storage systems.

(b) PRIORITY.—In providing grants under this section, the Secretary shall give priority to projects that—

(1) make renewable electricity more dispatchable;

(2) reduce electricity transmission congestion;

(3) increase the reliability of the electric grid;

(4) manage peak loads;

(5) increase the reliability of the electric grid; and

(6) improve the economic value of renewable electricity production.

(c) COST SHARING.—There is authorized to be appropriated to carry out this section—

(1) for systems in operation as of the date of enactment of this Act—

(A) ultra low emission hydrogen turbines; and

(B) oxicool combustion turbines;

(2) for new coal combustion facilities $450,000,000 for the period of fiscal years 2009 through 2020; and

(3) for IGCC systems $850,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1854. STATE CONSIDERATION OF ENERGY STORAGE FOR ELECTRIC POWER.

Section 11(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 1834) is amended by adding at the end the following:

"(2) RESEARCH AND DEVELOPMENT; STORAGE; STORAGE.—Each State shall consider including each electric utility of the State to recover from ratemakers any costs of the electric utility resulting from the deployment of energy storage systems for electric power."

Subtitle F—Reduced Carbon Emissions Through Clean Coal Technologies

SEC. 1861. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from coal-fired power plants that will reduce the quantity of coal burned and carbon dioxide emitted per unit of power produced.

SEC. 1862. CLEAN COAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop technologies that reduce carbon dioxide emissions from coal-fired facilities with an emphasis on commercial viability and reliability.

(b) SHORT-, MEDIUM- AND LONG-TERM TECHNOLOGY AREAS.—The Secretary shall emphasize technologies that reduce carbon dioxide emissions in the short-, medium-, and long-term time frames, including—

(1) innovations for existing power plants that reduce carbon dioxide emissions by energy efficiency increases or by capturing carbon emissions, including technologies that—

(A) reduce the quantity of fuel combusted per unit of energy;

(B) reduce particulate matter from control technology;

(C) improve compression of the separated and captured carbon dioxide;

(D) reuse or reduce water consumption and withdrawal; and

(E) capture carbon dioxide post-combustion from flue gas, such as through the use of ammonia-based, aqueous amine or ionic liquid solutions or other methods;

(2) new combustion systems, including—

(A) oxyfuel combustion that burns fuel in the presence of oxygen and recirculated flue gas instead of air producing a concentrated stream of carbon dioxide that can be readily captured for storage or use;

(B) chemical looping combustion that burns fuel in the presence of a solid oxygen carrier instead of air producing concentrated streams of carbon dioxide that can be readily captured for storage or use;

(C) high-temperature and pressure steam systems, such as ultra supercritical steam generation, that result in high net plant efficiency and reduced fuel consumption, thus producing less carbon dioxide per unit of energy;

(D) other innovative carbon dioxide control technologies appropriate for new combustion systems; and

(E) high temperature and high pressure materials that will result in much higher plant efficiencies and carbon dioxide emission reductions;

(3) innovations for IGCC systems that build on the ability of the IGCC to separate pollutants and carbon emissions from gas streams, including—

(A) advanced membrane technology for carbon dioxide separation;

(B) improved air separation systems;

(C) improved compression for the separated and captured carbon dioxide; and

(D) other innovative emission control technologies appropriate for IGCC systems;

(4) advanced combustion turbines, including—

(A) ultra low emission hydrogen turbines; and

(B) oxicool combustion turbines; and

(5) sequestration of captured carbon in geological formations, including—

(A) plume tracking;

(B) carbon dioxide leak detection and mitigation;

(C) carbon dioxide fate and transport models; and

(D) site evaluation instrumentation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for innovations at power plants in operation as of the date of enactment of this Act $500,000,000 for each of fiscal years 2009 through 2020;

(2) for new combustion systems $450,000,000 for the period of fiscal years 2009 through 2020; and

(3) for IGCC systems $850,000,000 for the period of fiscal years 2009 through 2025.

(4) for advanced combustion turbines $350,000,000 for the period of fiscal years 2009 through 2025;

(5) for carbon storage $400,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1863. CLEAN COAL DEMONSTRATION.

(a) IN GENERAL.—The Secretary shall expand and accelerate the demonstration of technologies that reduce carbon dioxide emissions from coal-fired facilities by demonstrating, at a minimum—

(1) through facilities in operation as of the date of enactment of this Act—

(A) post-combustion carbon dioxide capture at pilot scale at not less than 2 facilities, the award of contracts for which shall be completed by 2010;

(B) oxicool combustion at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) post-combustion carbon dioxide capture at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) heat rate and efficiency improvements at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(E) water consumption reduction at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A) and (B) at not less than 1 facility, the award of contracts for which shall be completed by 2016; and

(G) heat rate and efficiency improvements at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2016.

(b) PRIORITIES.—The Secretary shall, if applicable, give priority to—

(1) innovations for existing power plants retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2010;

(2) new combustion systems retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2010; and

(3) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A), (C), and (F) at not less than 1 facility, the award of contracts for which shall be completed by 2016.

(c) COST SHARING.—There is authorized to be appropriated to carry out the expenditures required under this section—

(1) through facilities in operation as of the date of enactment of this Act—

(A) oxyfuel combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) post-combustion carbon dioxide capture at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) oxycool combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(D) supercritical pulverized coal combustion with advanced emission controls and partial carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(E) oxycool supercritical circulating fluidized bed combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at pilot scale with technologies other than those demonstrated under subparagraphs (B) or (F) at not less than 1 facility, the award of contracts for which shall be completed by 2014; and

(G) ultra supercritical (1200°F) pulverized coal combustion with near-zero emission
controls and 90 percent carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(2) the award of contracts for which shall be completed by 2015; and

(3) through IGCC with carbon capture—

(A) monitoring systems for advanced IGCC gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2013;

(B) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2014; and

(D) a field test of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2016;

(2) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016; and

(3) through IGCC with carbon capture—

(A) a natural gas plant on an island that is isolated by a body of water and is capable of operating on natural gas that is produced from that island; and

(B) an integrated coal gasification combined cycle with near-zero emission controls and 90 percent integrated carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012; and

(C) an oxyfuel turbine of at least 50 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2015; and

(D) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2016; and

(E) a field test of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2018; and

(F) through IGCC with carbon capture—

(i) a natural gas plant on an island that is isolated by a body of water and is capable of operating on natural gas that is produced from that island; and

(ii) a saline formation or coal seam; and

(iii) the seabed and subsoil of a submarine area.

(7) STATE.—

(A) IN GENERAL.—The term “State” means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands;

(vii) the Federated States of Micronesia;

(viii) the Republic of the Marshall Islands;

(ix) the Republic of Palau; and

(x) the United States Virgin Islands.

(B) INCLUSIONS.—The term “State” includes all territorial water, seabed, and subsoil of submarine areas of each State.

(8) CLIMATE CHANGE ACTION AGENDA. The term “Climate Change Agenda” means the agenda designated by the Governor of a State to administer a carbon dioxide storage program of the State.

(9) STORAGE FACILITY.—

(A) IN GENERAL.—The term “storage facility” means—

(i) an underground reservoir, underground equipment, and surface structures and equipment used in an operation to store carbon dioxide in a reservoir; and

(ii) any other facilities that the Administrator may include by regulation or permit.

(B) EXCLUSIONS.—The term “storage facility” does not include pipelines used to transport the carbon dioxide from or to capture facilities to the storage and injection site.

(10) STATE REGULATORY AGENCY.—The term “State regulatory agency” means any State agency with responsibilities for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide; and

(11) UNDERGROUND RESERVOIR.—The term “underground reservoir”, with respect to a storage facility, includes any necessary and appropriate natural or artificial buffer and subsurface monitoring zones that are designated by the Administrator or State regulatory agency for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide; and

(12) RESERVOIR.—The term “Reservoir” means any subbasin or geologic formation from which water has been or can be withdrawn or from which the water has been or can be discharged.

(13) STATE CARBON DIOXIDE GEOLOGICAL STORAGE PROGRAMS.—

(1) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall—

(i) not later than 180 days after the date of enactment of this Act, publish in the Federal Register proposed regulations for State carbon dioxide storage programs; and

(ii) not later than 180 days after the date of publication of the proposed regulations under clause (i), promulgate final regulations for State carbon dioxide storage programs that meet the requirements described in paragraph (2)(A), including such modifications as the Administrator determines to be appropriate.

(B) UPDATING.—The Administrator may periodically review and, as necessary, revise the regulations promulgated under this subsection.

(2) STATE REGULATORY AUTHORITY.—

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for demonstrations through facilities in operation as of the date of enactment of this Act $850,000,000 for the period of fiscal years 2009 through 2025;

(2) for combustion systems $1,950,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $2,950,000,000 for the period of fiscal years 2009 through 2025; and

(4) for advanced combustion turbines $440,000,000 for the period of fiscal years 2009 through 2025.

SEC. 1864. IDENTIFICATION OF CLEAN COAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall take such steps as are necessary to carry out this subtitle—

(b) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this Act and every 2 years thereafter, the Secretary shall institute a public comment period of at least 45 days to assist the determination of the specific research, development, and demonstration projects required under this subtitle.

(c) APPLICATIONS.—Not later than 120 days after the end of each public comment period required under subsection (b), the Secretary shall—

(1) publicly identify the specific types of projects that the Secretary intends to pursue to carry out this subtitle;

(2) establish selection criteria for the specific types of projects identified under paragraph (1) and (B) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2012;

(3) using H class turbines—

(A) partial carbon dioxide capture without water gas shift system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014; and

(B) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012; and

(C) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2020; and

(D) a field test of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2014; and

(E) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2020; and

(F) a field test of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2014; and

(G) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016; and

(H) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016; and

(L) ultra advanced supercritical (1400°F) combustion with near-zero emission controls and 90 percent integrated carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018; and

through IGCC with carbon capture—

(A) partial carbon dioxide capture without water gas shift system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010; and

(B) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) an oxyfuel turbine of at least 50 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2015; and

(D) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2016; and

(E) a field test of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2018; and

(F) sequestration of captured Carbon Dioxide. In any demonstration referred to in subsection (a) that demonstrates carbon dioxide capture, the carbon dioxide capture system shall be used for enhanced oil recovery, sequestered in geologically appropriate formations, or permanently sequestered or reused, with the ability to carry out each such demonstration for the respective purpose of the demonstration.
(A) IN GENERAL.—The regulations promulgated under paragraph (1)(A) shall establish minimum requirements that States shall meet in order to be approved to administer a carbon dioxide storage program under subsection (c)(1), including—

(i) a prohibition on carbon dioxide storage in the State that is not authorized by a permit issued by the agency designated by the State to issue permits, after public notice and hearing, approving a storage facility for the proposed geological storage of carbon dioxide if the State regulatory authority determines that—

(I) the horizontal and vertical boundaries of the geological storage facility designated by the permit are appropriate for the storage facility;

(II) the storage facility and reservoir are suitable and feasible for the injection and storage of carbon dioxide;

(III) a good faith effort has been made to obtain the consent of a majority of the owners having property interests affected by the storage facility, and that the storage operator intends to acquire any remaining interest by eminent domain or by a method otherwise allowed by law;

(IV) the use of the storage facility for the geological storage of carbon dioxide will not result in the displaced migration of carbon dioxide into other formations containing carbon dioxide if the State regulatory authority determines that—

(V) the proposed storage would—

(aa) not unduly endanger human health or the environment;

(bb) be in the public interest.

(B) STATE AUTHORITY.—A State regulatory agency approved under subsection (c)(1) to administer a carbon dioxide storage program shall issue such orders, permits, certificates, rules, and regulations, including establishment of such appropriate and sufficient financial sureties as are necessary, for the purpose of regulating the drilling, operation, and well plugging and abandonment and removal of surface buildings and equipment of the storage facility, in order to prevent the storage facility against pollution, invasion, and the escape or migration of carbon dioxide.

(C) EMINENT DOMAIN.—A storage operator may be empowered by a State to exercise the right of eminent domain under State law to acquire all surface and subsurface rights and interests necessary or useful for the purpose of operating the storage facility, including easements and rights-of-way across land that are necessary to transport carbon dioxide among components of the storage facility.

(D) VARIANCE IN CONDITIONS.—The regulations promulgated under paragraph (1)(A) shall permit or provide for consideration of varying geological, hydrological, and historical conditions in different States and in different areas within a State.

(E) ENHANCED RECOVERY OPERATIONS.—

(i) IN GENERAL.—Upon the approval of a State to administer a carbon dioxide storage program under subsection (c)(1), the State regulatory agency designated by the State may allow the conversion into a storage facility of an enhanced recovery operation that is in existence as of the date on which administration of the program by the Administrator begins.

(ii) OIL AND GAS RECOVERY.—Nothing in this section applies to or otherwise affects the use of carbon dioxide as a part of or in conjunction with enhanced recovery operations

(c) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—

(1) APPROVAL OF STATE CARBON DIOXIDE STORAGE PROGRAMS.—

(A) IN GENERAL.—After promulgation of the regulations under subsection (b)(1)(A), each State may submit to the Administrator an application for approval of the storage program approved by subparagraph (B) by the permit.

(B) APPLICATION.—Before promulgation of the regulations under paragraph (1)(A), the Administrator shall provide an opportunity for a public hearing with respect to the regulation.

(C) APPLICABILITY.—A program prescribed by the Administrator under subparagraph (B) shall apply in a State only to the extent that a program adopted by the State that the Administrator determines meets the requirements of this section or subsection (b)(2) is not in effect.

(D) PUBLIC PARTICIPATION.—Before promulgation of the regulations under paragraph (1)(B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the regulation.

(2) ENFORCEMENT OF PROGRAM.—

(A) NOTIFICATION.—

(i) IN GENERAL.—In any case in which the Administrator determines that any person who is subject to a requirement of the carbon dioxide storage program is violating the requirement, the Administrator shall notify the State and the person violating the requirement of the violation.

(ii) VIOLATIONS IN CERTAIN STATES.—In any case in which the Administrator determines, during a period during which a State does not have primary enforcement responsibility for carbon dioxide storage, that any person subject to any requirement of any applicable carbon dioxide storage program in the State is violating the requirement, the Administrator shall—

(I) issue an order under paragraph (2) requiring the person to—

(aa) correct the violation;

(bb) comply with the requirement; or

(cc) bring a civil action in accordance with paragraph (3).

(3) VIOLATIONS IN CERTAIN STATES.—In any case in which the Administrator determines, during a period during which a State does not have primary enforcement responsibility for carbon dioxide storage, that any person subject to any requirement of any applicable carbon dioxide storage program in the State is violating the requirement, the Administrator shall—

(I) issue an order under paragraph (2) requiring the person to comply with requirement;

(ii) bring a civil action in accordance with paragraph (3).

(2) ADMINISTRATIVE ORDERS AND APPEALS.—

(A) IN GENERAL.—In any case in which the Administrator has the authority to bring a civil action under this section with respect to any regulation or other requirement of this section, the Administrator may, in addition to bringing the civil action, issue an order under this subsection if the Administrator determines, during a period, that—

(I) the Administrator has the authority to bring a civil action under this section with respect to a regulation or other requirement; or

(ii) the Administrator determines that any person who is subject to a requirement of any applicable carbon dioxide storage program in the State is violating the requirement.

(B) DISAPPROVAL.—If the Administrator determines that a State no longer meets the requirements of subparagraph (A), the Administrator shall provide an opportunity for a public hearing with respect to the determination.

(2) STATES WITHOUT PRIMARY ENFORCEMENT RESPONSIBILITY.—

(A) IN GENERAL.—If a State fails to submit an application under paragraph (1)(A) by the end of the 270-day period beginning on the date on which any regulation promulgated under subsection (b)(1)(A) is revised or amended with respect to a requirement applicable to State carbon dioxide storage programs, the Administrator shall disapprove the storage program approved under subparagraph (B) that shall submit, in such form and in such manner as the Administrator may require, a notice to the Administrator that demonstrates to the satisfaction of the Administrator that the State carbon dioxide storage program meets the revised or amended requirement.

(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after the date on which a State submits an application under paragraph (1)(A) or a notice under subparagraph (A)(i) or a notice under subparagraph (A)(ii), and after a reasonable time (as determined by the Administrator) after the time that the Administrator receives the application, the Administrator shall by regulation approve, disapprove, or approve in part and disapprove in part, the carbon dioxide storage program proposed by the State.

(C) EFFECT OF APPROVAL.—If the Administrator approves the carbon dioxide storage program of a State under subparagraph (B), the State shall have primary enforcement responsibility for carbon dioxide storage in the State until such time as the Administrator determines, by regulation, that the State no longer meets the requirements of subparagraph (A).

(D) PUBLIC PARTICIPATION.—Before making a determination under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the determination.

(2) STATES WITHOUT PRIMARY ENFORCEMENT RESPONSIBILITY.—

(A) IN GENERAL.—If a State fails to submit an application under paragraph (1)(A), by the end of the 270-day period beginning on the date on which the Administrator determines that a State no longer meets the requirements of subparagraph (A), the Administrator shall provide an opportunity for a public hearing with respect to the determination.

(B) TIMING.—An order under this paragraph shall be issued by the Administrator only after the opportunity to be heard, within the 30-day period beginning on the date of receipt by the person of the notice, a hearing on the order.

(C) NOTICE.—Before issuing any order under subparagraph (A), the Administrator shall provide to the person to whom the order applies—

(i) written notice of the intent of the Administrator to issue the order; and

(ii) reasonable opportunity to be heard, within the 30-day period beginning on the date of receipt by the person of the notice, a hearing on the order.

(2) REQUIREMENTS.—A hearing described in subparagraph (C)(ii) shall not be subject to section 554 or 556 of title 5, United States Code; but shall provide to the person to whom the order applies a reasonable opportunity to be heard and to present evidence.
(E) NOTICE AND COMMENT.—The Administrator shall provide public notice of, and a reasonable opportunity to comment on, any proposed order.

(F) NOTICE OF PROJUDGEMENT, ISSUE, AND ORDER.—Any person who comments on any proposed order under subparagraph (E) shall be given notice of any hearing, at which said comments shall be considered, on or before the date of issuance of the order, unless an appeal is taken therefrom under paragraph (K).

(G) EFFECT OF ORDER.—Any order issued under this paragraph shall become effective on the date that is 30 days after the date of issuance of the order, unless an appeal is taken therefrom under paragraph (K).

(H) CONTENTS OF ORDER.—Any order issued under this paragraph—

(i) shall state, with reasonable specificity, the nature of the violation; and

(ii) may specify a reasonable period to achieve compliance.

(I) RECORDS.—In assessing any civil penalty under this paragraph, the Administrator shall take into consideration all appropriate factors, including—

(i) the seriousness of the violation;

(ii) the economic benefit (if any) resulting from the violation;

(iii) any history of similar violations;

(iv) any good faith efforts to comply with the applicable requirements;

(v) the economic impact of the penalty on the violator; and

(vi) such other matters as justice may require.

(J) OTHER ACTIONS.—Any violation with respect to which the Administrator has commenced or is currently prosecuting a civil action under a provision of law other than this section, or has issued an order under this paragraph assessing a civil penalty, shall not be subject to a civil action under paragraph (3).

(K) APPEALS.—Any person against whom an order has been issued under this paragraph may file an appeal of the order, not later than 30 days after the date of issuance of the order, with—

(i) the United States District Court for the District of Columbia; or

(ii) the United States district court for the district in which the violation is alleged to have occurred.

(L) DISTRIBUTION OF COPIES.—An appellant shall simultaneously send a copy of an appeal filed under subparagraph (K) by certifies mail to the Administrator and to the Attorney General.

(M) RECORD.—The Administrator shall promptly file in the appropriate court described in subparagraph (K) a certified copy of the record on which an order was based.

(N) JUDICIAL ACTION.—A court having jurisdiction over an order issued under this paragraph—

(i) may set aside or remand the order unless the court determines that—

(I) there is not substantial evidence on the record as a whole, to support the finding of a violation; or

(II) the assessment by the Administrator of a civil penalty, or a requirement for compliance, is arbitrary or capricious, an abuse of discretion; or

(II) impose additional civil penalties for the same violation unless the court determines that the assessment by the Administrator of a civil penalty constitutes an abuse of discretion.

(O) FAILURE TO PAY.—

(i) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after an order becomes effective under subparagraph (G), or after a court, in a civil action brought under subparagraph (K), has entered a final judgment in favor of the Administrator, the Administrator may request the Attorney General to bring a civil action in an appropriate United States district court to recover the amount of the assessment, plus costs, fees, and interest at currently prevailing rates, calculated from the date on which the order is effective or the date of the final judgment, as the case may be.

(ii) NO REVIEW OF AMOUNT.—In a civil action brought under clause (i), the validity, amount, and imposition of the civil penalty shall not be subject to review.

(P) AUTHORITY OF ADMINISTRATOR.—The Administrator may, in connection with administrative proceedings under this paragraph—

(i) issue subpoenas compelling the attendance and testimony of witnesses and subpoena duces tecum; and

(ii) request the Attorney General to bring a civil action to enforce any subpoena issued under this subparagraph.

(Q) ENFORCEMENT.—The United States district courts shall have jurisdiction to enforce, and impose sanctions with respect to, subpoenas issued under paragraph (P).

(R) CIVIL AND CRIMINAL ACTIONS.—

(A) IN GENERAL.—A civil action referred to in subparagraph (B) or (C) of paragraph (1) shall be brought in the appropriate United States district court.

(B) AUTHORITY; JUDGEMENT.—A court described in subparagraph (A) shall—

(i) have jurisdiction to require compliance with any requirement of an applicable carbon dioxide storage program or with an order issued under paragraph (2); and

(ii) may enforce such compliance as the protection of public health may require.

(C) PENALTIES.—Any person who violates any requirement of an applicable carbon dioxide storage program or with any order requiring compliance under paragraph (2)—

(i) shall be subject to a civil penalty of not more than $25,000 for each day of such violation; and

(ii) if the violation is willful, may, in addition to or in lieu of the civil penalty under clause (i), be imprisoned for not more than 3 years, fined in accordance with title 18, United States Code, or both.

(D) EFFECT ON STATE AUTHORITY.—Nothing in this subsection diminishes or otherwise affects any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) (relating to the storage of carbon dioxide).

(E) OTHER REQUIREMENTS.—No law (including a regulation) described in subparagraph (A) shall require any requirement otherwise applicable under this Act.

(F) FINANCIAL ASSURANCES FOR STORAGE OPERATIONS.—

(I) IN GENERAL.—Each storage operator shall be required by the State regulatory agency (in the case of a State that does not have primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) to have and maintain financial assurances of such type and in such amounts as are necessary to cover public liability claims relating to the storage facility of the storage operator.

(2) MAINTENANCE OF FINANCIAL ASSURANCES.—The financial assurances required under paragraph (1) shall be maintained by the storage operator until such time as the operator obtains a certificate of completion of injection operations under subsection (g).

(3) AMOUNT.—The amount of financial assurances required under paragraph (1) shall be the maximum amount of liability insurance available at a reasonable cost and on reasonable terms from private sources, including a regulation) described in subparagraph (A) that (relating to the storage of carbon dioxide) is required under this Act.

(F) LIABILITY OF STORAGE OPERATORS FOR RELEASE OF CARBON DIOXIDE.—

(1) IN GENERAL.—The Administrator shall agree to indemnify and hold harmless a storage operator (and if different from the storage operator, the owner of the storage facility) that has maintained financial assurances under subsection (e) from liability arising from the leakage of carbon dioxide at any storage facility operated by the storage operator to the extent that such liability is in excess of the level of financial protection required of the storage operator.

(2) COMPLETION OF OPERATIONS.—Upon the issuance of certificate of completion of injection operations by a State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) to have and maintain financial assurances of such type and in such amounts as are necessary to cover public liability claims relating to the storage facility of the storage operator.

(G) FUNDING.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall collect an annual assessment from each storage operator for each storage facility that has not obtained a certificate of completion of injection operations.

(2) ASSESSMENT AMOUNT.—The amount of the assessment for a storage facility for a fiscal year shall be equal to the product obtained by multiplying—

(A) the per-ton assessment for the fiscal year, as calculated under paragraph (4); and

(B) the total number of tons of carbon dioxide injected for storage by the storage operator during the preceding fiscal year at all storage facilities operated by the storage operator during the fiscal year.

(H) AGGREGATE AMOUNT.—The aggregate amount of assessments collected from all storage operators under subsection (g)(2) for any fiscal year shall be equal to the sum of, with respect to the fiscal year—

(A) any indemnification payments required to be made pursuant to subsection (g)(1); and

(B) any costs associated with storage facilities to which the Administrator has taken title pursuant to subsection (g)(2), including all costs associated with—

(i) inspection, monitoring, recordkeeping, and reporting requirements of those facilities;

(ii) remediation of carbon dioxide leakage; or

(iii) plugging and abandoning of remaining wells; and

(C) any costs associated with public liability of storage facilities to which the Administrator has taken title pursuant to subsection (g)(2).

(I) CALCULATION OF ASSESSMENT.—The assessment under this subsection per ton of carbon dioxide for a fiscal year shall be equal to the quotient obtained by dividing—

(A) the per-ton assessment for the fiscal year, as calculated under paragraph (4); and

(B) the total number of tons of carbon dioxide injected for storage by the storage operator during the preceding fiscal year at all storage facilities operated by the storage operator during the fiscal year.

(J) MANDATORY PAYMENT.—Each storage operator shall be required to pay an amount of any assessment for a fiscal year as provided in subsection (g)(2) without delay.

(K) APPLICATION.—Nothing in this subsection diminishes or otherwise affects any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) (relating to the storage of carbon dioxide).
(B) the aggregate number of tons of carbon dioxide injected for storage during the preceding fiscal year by all storage operators.

(5) INFORMATION.—The Administrator shall require the taxpayer to provide such information by each storage operator on an annual basis as is necessary to make the calculations required under this subsection.

SEC. 1032. MODIFICATION OF SPECIAL RULES FOR CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.

(a) In General.—Subsection (d) of section 169 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.—Notwithstanding paragraph (1), the term ‘pollution control facility’ includes any mechanical or electronic system which—"

In the case of a plant which either has—

<table>
<thead>
<tr>
<th>a design net heat rate below—</th>
<th>or a carbon dioxide emission rate of—</th>
</tr>
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<tbody>
<tr>
<td>7,580 Btu/kWh (45% efficiency)</td>
<td>1,774 lbs/MWh or less</td>
</tr>
<tr>
<td>7,760 Btu/kWh (44% efficiency)</td>
<td>1,713 lbs/MWh or less</td>
</tr>
<tr>
<td>7,940 Btu/kWh (43% efficiency)</td>
<td>1,650 lbs/MWh or less</td>
</tr>
<tr>
<td>8,120 Btu/kWh (42% efficiency)</td>
<td>1,580 lbs/MWh or less</td>
</tr>
<tr>
<td>8,322 Btu/kWh (41% efficiency)</td>
<td>1,500 lbs/MWh or less</td>
</tr>
<tr>
<td>8,530 Btu/kWh (40% efficiency)</td>
<td>1,420 lbs/MWh or less</td>
</tr>
</tbody>
</table>

(b) Qualified Investment.—

(1) In General.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying new clean coal power plant—

(A)(i) the construction, reconstruction, or retrofit of which

(B) which is designed to include a built-in space for future carbon capture and use, including associated cost and performance parameters, to retrofit carbon capture equipment, and

(C) includes a site or sites identified where carbon dioxide may be stored or used for commercial purposes.

(2) Aggregate Credits.—The term ‘eligible property’ means any property which is a part of a qualifying new clean coal power plant.

(d) Qualifying New Clean Coal Power Plant Program.—

(1) Establishment.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall establish a program to certify projects eligible for the credit under subsection (a).

(2) Application.—An application under for certification under this section shall contain such information as the Secretary may require in order to make a determination to accept, reject, and provide for certification as meeting the requirements of this section. Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

"(3) Aggregate Credits.—The aggregate projects certified by the Secretary under this subsection shall not exceed an aggregate capacity for carbon capture and use of more than 6,000 megawatts.

(4) Reenactment of Credit.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain any of the requirements of this section.

(b) Conforming Amendments.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended by striking ‘and’ at the end of clause (ii), by striking the period at the end of clause (iv) and inserting ‘, and’, and by adding at the end the following new paragraph:

"(v) the qualifying new clean coal power plant credit."

(2) Section 48(a)(1)(C) of such Code is amended by striking ‘and’ at the end of clause (ii), by striking the period at the end of clause (iv) and inserting ‘, and’, and by adding at the end the following new clause:
“(v) the basis of any property which is part of a qualifying new clean coal power plant under section 48C.”.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

“Sec. 48C. Qualifying new clean coal power plant credit.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1035. INVESTMENT TAX CREDIT FOR EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

“SEC. 48D. EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE EMISSIONS.

(1) GENERAL RULE.—For purposes of section 48D, the qualifying carbon dioxide equipment credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

(2) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year.

(3) DEFINITIONS.—For purposes of this section—

(A) ELIGIBLE PROPERTY.—The term ‘eligible property’ means equipment installed on a qualified coal-fired electric power generating unit to capture, transport, and store carbon dioxide in such generating unit, including equipment to separate and pressurize carbon dioxide for transport (including hardware to operate such equipment) and equipment to transport, inject, and monitor such carbon dioxide, as further specified and identified, by rule, by the Secretary.

(B) QUALIFIED COAL-FIRED ELECTRIC GENERATING FACILITY.—The term ‘qualified electric generating facility’ means a qualified coal-fired electric power generating unit that—

(i) is owned by the taxpayer,

(ii) which, after installation of eligible property, is designed to capture and store in a geologic formation greater than 500,000 metric tons of carbon dioxide per year,

(iii) AGGREGATE CREDITS.—The credits allowed under subsection (a) shall apply only to the first 500,000 metric tons of capacity of qualified coal-fired electric power generating units certified by the Secretary under subsection (e).

(4) CERTIFICATION.—

(A) CERTIFICATION PROCESS.—The Secretary shall establish a certification process to determine the extent to which eligible property installed on a qualified coal-fired electric power generating unit, and to make such other determinations as the Secretary deems appropriate. The Secretary shall prepare an application for certification.

(B) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application for certification shall be approved only if—

(i) the term ‘qualified coal-fired electric power generating unit’ means a unit which, after installation of eligible property, is designed to capture and store in a geologic formation greater than 500,000 metric tons of carbon dioxide per year,

(ii) AGGREGATE CREDITS.—The credits allowed under subsection (a) shall apply only to the first 500,000 metric tons of capacity of qualified coal-fired electric power generating units certified by the Secretary under subsection (e).

(ii) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

(A) IN GENERAL.—The term ‘qualified carbon dioxide’ means carbon dioxide captured from an industrial source which—

(i) would otherwise be released into the atmosphere as industrial emissions of greenhouse gas, and

(ii) is measured at the source of capture and verified at the point of disposal or injection.

(B) RECYCLED CARBON DIOXIDE.—The term ‘recycled carbon dioxide’ includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, re-cycled, and re-injected as part of the enhanced oil and natural gas recovery process.

(5) AGGREGATE CREDITS.—For purposes of this section—

(A) CREDIT PERIOD.—The term ‘credit period’ means, with respect to any qualified facility, the 10-year period beginning on the date on which qualified carbon dioxide for which a credit was allowed under subsection (a) was first captured.

(B) ONLY CARBON DIOXIDE CAPTURED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide that is used as a tertiary injectant in the United States.

(C) DETERMINATION.—For purposes of this section—

(i) the United States (within the meaning of section 631(b)(1)), or

(ii) a possession of the United States (within the meaning of section 631(b)(2)).

(D) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere.

(E) CREDIT ATTRIBUTABLE TO TAXPAYER.—The term ‘credit attributable to taxpayer’ means, with respect to any qualified facility, the share of the credit attributable to a particular taxpayer. The term ‘taxpayer’ has the meaning given the term ‘qualified carbon dioxide recovery project’ by section 43(b)(2) of such Code.

(F) CREDIT PERIOD.—The term ‘credit period’ means, with respect to any qualified facility, the 10-year period beginning on the date on which qualified carbon dioxide for which a credit was allowed under subsection (a) was first captured.

(G) IN GENERAL.—The term ‘ineligible property’ means equipment installed on a qualified coal-fired electric power generating unit that—

(i) is not owned by the taxpayer,

(ii) which, after installation of eligible property, is not designed to capture and store at least 500,000 metric tons of carbon dioxide per year,

(iii) AGGREGATE CREDITS.—The credits allowed under subsection (a) shall apply only to the first 500,000 metric tons of capacity of qualified coal-fired electric power generating units certified by the Secretary under subsection (e).

(6) CREDIT ATTRIBUTABLE TO TAXPAYER.—The term ‘credit attributable to taxpayer’ means, with respect to any qualified facility, the share of the credit attributable to a particular taxpayer. The term ‘taxpayer’ has the meaning given the term ‘qualified carbon dioxide recovery project’ by section 43(b)(2) of such Code.

(7) RECAPTURE.—The term ‘recaptured’ means carbon dioxide that is re-captured, re-cycled, and re-injected as part of the enhanced oil and natural gas recovery process.

(8) CONFORMING AMENDMENTS.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking ‘‘plus’’ at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ‘‘plus’’, and by adding at the end of subsection (b) the following new paragraph:

‘‘(34) the carbon dioxide sequestration credit determined under section 45Q(a).’’.
(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by striking at the end the following new section:

"Sec. 45Q. Credit for sequestering carbon dioxide in the generation of electric power. —

(a) In general.—The credit allowed by section 45Q(d)(2) for amounts paid after the date of the enactment of this section and the proceeds of such amount may be allocated to any loan unless the borrower has entered into a written loan commitment for such portion prior to the date of such issue.

(b) Qualified project.—For purposes of this section, 'qualified project' means a qualified new clean coal power plant (as defined in section 48C(d)(1)).

(c) Special rules relating to expenditures.—

(1) In general.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

(A) 100 percent or more of the available project proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond;

(B) a binding commitment with a third party to spend at least 10 percent of such project proceeds towards such of the projects described in subsection (c) are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond issued as part of a qualified new clean coal project proceeds of which is to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower; and

(C) such projects will be completed with due diligence and the available project proceeds from the sale of the issue will be spent with due diligence.

(2) Extension of period.—Upon submission of a request prior to the expiration of the period described in paragraph (1), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

(3) Failure to spend required amount of bond proceeds within 5 years.—To the extent that less than 90 percent of the available project proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraphs (1) and (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such extension period. In case of any such failure of the qualified issuer to redeem the amount of the nonqualified bonds required to be redeemed, such issuer shall be subject to the same manner as under section 142.

(d) Cooperative electric company; qualified energy tax credit bond lender; governmental body; qualified borrower.—For purposes of this section—

(1) 'Cooperative Electric Company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1391(a)(2)(C); or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

(2) 'Qualified energy tax credit bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence at least 5 years, and includes any affiliated entity which is controlled by such lender.

(3) Public power entity.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act as in effect on the date of enactment of this paragraph.

(e) Special rules relating to pool bonds.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the date of such issue.

(f) Other definitions and special rules.—For purposes of this section—

(A) a qualified clean coal project means—

(i) a qualified clean coal bond;

(ii) a qualified new clean coal power plant (within the meaning of section 48C(d)(1));

(iii) a qualified energy tax credit bond;

(iv) a qualified energy tax credit bond lender;

(v) a governmental body; and

(vi) a qualified borrower.

(G) Certain terminations.—This section shall not apply with respect to any bond issued after December 31, 2018.

Conforming Amendments.—The provisions of this section and amendments made by this section to be applied to bonds issued after December 31, 2008.
Subtitle H—Clarification of Use of Amounts Deposited Into Funds

SEC. 171. CLARIFICATION.

Notwithstanding any other provision of law (including regulations) or amounts deposited in any fund established pursuant to this Act for the purpose of technology development shall be in addition to, and shall not supplement, funds otherwise made available for that purpose in an appropriations Act.

SA 4945. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3056, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, between lines 3 and 4, insert the following:
(c) AUTHORITY TO ESTABLISH STANDARDS FOR MOBILE SOURCES.—Nothing in this Act confers on the Federal Government or any State government any authority to establish any form of standard, limitation, prohibition, or permit which would result in greenhouse gas emissions for mobile sources.

SA 4946. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3056, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, strike line 20 and insert the following:
SA 4947. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3056, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 423, after line 25, insert the following:

SEC. 1308. RESPONSE TO CERTAIN ACTIONS ARISING OUT OF WORLD TRADE ORGANIZATION PROCEEDINGS.

(a) IN GENERAL.—The United States Trade Representative shall provide timely notice to Congress, through the Chairman and Ranking Members of the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives, of proceedings before the World Trade Organization challenging the consistency of any aspect of this subtitle with respect to international agreements to which the United States is a party.

(b) NOTICE TO ADMINISTRATOR.—The notice required under subsection (a) shall be provided to the Administrator of the Environmental Protection Agency.

(c) SUSPENSION OF RESERVE ALLOWANCE.—To the extent provided in subsection (b), the Administrator shall suspend emission allowances distributed under this Act for any proceeding described in subsection (a).

(d) CESSATION OF EMISSION ALLOWANCE AND OFFSET.—Notwithstanding any other provision of this Act, effective with the publication of the notice described in subsection (b), any obligation of an affected domestic producer of competitive goods to submit an emission allowance or offset under subsection (a) shall cease to exist until the Administrator has completed the actions described in subsection (b).

(e) DISTRIBUTION TO AFFECTED DOMESTIC PRODUCERS.—Notwithstanding any other provision of this Act, effective in the first calendar year following any termination of the international reserve allowance program described in subsection (c), the Administrator shall establish a program to distribute a quantity of emission allowances to each entity that was an affected domestic producer of competitive goods during the last year of operation of the international reserve allowance program. The quantity of emission allowances distributed to each such entity shall be sufficient to offset any additional costs arising out of the requirements of this section.

(f) REGULATIONS.—Following publication of notice of any termination of the international reserve allowance program, the Administrator shall promulgate such regulations as the Administrator determines to be necessary to implement the requirements of this section.

[g] DEFINITIONS.—For purposes of this title:

(1) AFFECTED DOMESTIC PRODUCERS OF COMPETITIVE GOODS.—The term ‘‘affected domestic producers of competitive goods’’ means any manufacturing entity in the United States that makes products like or directly competitive with any product treated as a covered good.

(2) AFFECTED DOMESTIC PRODUCT.—The term ‘‘affected domestic product’’ means a product produced by any manufacturing entity in the United States that is like or directly competitive with any product treated as a covered good.

SA 4948. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3056, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, strike line 14 and insert the following:
(b) NOTICE TO ADMINISTRATOR.—The United States Trade Representative shall provide notice to the Administrator of the Environmental Protection Agency of any retaliatory action described in subsection (a) in order to authorize the United States Trade Representative to authorize the United States Trade Representative to authorize the United States Trade Representative to take action to respond to the failure of the United States Trade Representative to complete the actions described in subsection (a).

(c) SUSPENSION OF RECOGNITION.—Upon receipt of any notification described in subsection (b), the Administrator shall suspend the recognition of the United States Trade Representative.

SEC. 1771. CLARIFICATION.

(1) IN GENERAL.—Fossil fuel-fired electricity generators in the United States with regulated prices shall be treated as a form of standard, limitation, prohibition, or permit which would result in greenhouse gas emissions.

(2) ADJUSTMENT.—The Administrator shall adjust emission allowances distributed under this Act by an across-the-board adjustment so as to ensure that the total percentage of emission allowances distributed under this Act equals 100 percent.

SA 4949. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3056, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, strike the table before line 1 and insert the following:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for distribution among fossil fuel-fired electricity generators in the United States with regulated prices</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>18</td>
</tr>
<tr>
<td>2013</td>
<td>18</td>
</tr>
<tr>
<td>2014</td>
<td>18</td>
</tr>
<tr>
<td>2015</td>
<td>18</td>
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<tr>
<td>2016</td>
<td>17.5</td>
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<tr>
<td>2017</td>
<td>17.5</td>
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<tr>
<td>2018</td>
<td>17.5</td>
</tr>
<tr>
<td>2019</td>
<td>16.25</td>
</tr>
<tr>
<td>2020</td>
<td>15.3</td>
</tr>
<tr>
<td>2021</td>
<td>13.5</td>
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<tr>
<td>2022</td>
<td>11.75</td>
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<td>2023</td>
<td>10.25</td>
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<tr>
<td>2024</td>
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<td>2025</td>
<td>8.75</td>
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<tr>
<td>2026</td>
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<tr>
<td>2027</td>
<td>5.25</td>
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<tr>
<td>2028</td>
<td>4.5</td>
</tr>
<tr>
<td>2029</td>
<td>4.25</td>
</tr>
<tr>
<td>2030</td>
<td>3.65</td>
</tr>
</tbody>
</table>

On page 196, between lines 14 and 15, insert the following:
(d) Fossil fuel-fired electricity generators in the United States with regulated prices.

(1) IN GENERAL.—The emission allowances allocated for a calendar year by section 531 for fossil fuel-fired electricity generators in the United States with regulated prices shall be distributed in the same manner as emission allowances distributed under subsections (a) through (c).

(2) ADJUSTMENT.—The Administrator shall adjust emission allowances distributed under this Act by an across-the-board adjustment so as to ensure that the total percentage of emission allowances distributed under this Act equals 100 percent.
II shall be suspended until such date as the proclamation is terminated under section 1715.

SA 4949. Ms. STABENOW (for herself, Mr. CRAPO, Mr. BROWNBACK, Mr. SALAZAR, Mrs. DOLE, Mr. JOHNSON, Mr. CONRAD, Ms. KLOBUCHAR, and Mr. WARRER) submitted an amendment intended to be proposed by her to the bill S. 3046. To direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 23 through 25 and insert the following:

(B) EXCLUSIONS.—The term ‘‘manufacturing’’ does not include—

(i) the creation of a greenhouse gas through anaerobic decomposition; or
(ii) the creation of a greenhouse gas from manure or enteric fermentation.

On page 26, line 4, insert ‘‘; destroys, or avoids’’ after ‘‘reduces’’.

On page 28, line 6, strike ‘‘from sources or sinks’’.

On page 28, between lines 8 and 9, insert the following:

( ) OFFSET PROJECT REPRESENTATIVE.—The term ‘‘offset project representative’’ means any entity designated as an offset project representative in a petition for an offset project submitted under section 304.

Beginning on page 77, strike line 9 and all that follows through page 121, line 15, and insert the following:

SEC. 302. ESTABLISHMENT OF A DOMESTIC OFFSET PROGRAM.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall promulgate regulations authorizing the certification and issuance of offset allowances in accordance with this subtitle.

(b) USE.—The regulations under subsection (a) shall provide that, beginning with calendar year 2012, owners and operators of covered entities may satisfy the allowance submision requirements of the owners and operators for each calendar year by submitting a carbon dioxide equivalent quantity of domestic offset allowances of up to 1,000,000,000 tons.

(c) CARRYOVER.—If the carbon dioxide equivalent quantity of domestic offset allowances submitted for a calendar year pursuant to this paragraph is less than 1,000,000,000 tons, notwithstanding subsection (b), the carbon dioxide equivalent quantity of domestic offset allowances that may be submitted by covered entities under this subtitle for the subsequent calendar year shall not exceed the sum of—

(1) 1,000,000,000 tons; and
(2) the difference between—
(A) 1,000,000,000 tons; and
(B) the carbon dioxide equivalent tons of offset allowances and emission allowances submitted by covered entities for the preceding calendar year under this subtitle.

(d) REDUCTION.—Beginning in calendar year 2013, the Administrator may reduce the quantity of carbon dioxide equivalent allowances available for offsets under this section except that the quantity may not be reduced to less than 65 percent of the quantity of tons specified in subsection (b).

(e) EXCHANGE FOR OFFSETS FROM STATE AND REGIONAL REGULATORY PROGRAMS.—

(I) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall issue offset allowances for projects that address emissions of greenhouse gas that would otherwise not have been covered under the limitations on emissions of greenhouse gases under this Act and meet the requirements of this subtitle for offset allowances—

(A) issued under a State or regional greenhouse gas regulatory program; or
(B) are registered under or meet the standards of—

(i) the Climate Registry;
(ii) the California Climate Action Registry;
(iii) the Climate Action Reserve;
(iv) the GHG Registry;
(v) the Chicago Clear Exchange;
(vi) the GHG Clean Projects Registry; or
(vii) any other Federal or private reporting program.

(2) NONAPPLICABILITY.—This subsection shall not apply to offset allowances that have expired or been retired or canceled under a program described in paragraph (1).

(f) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) authorize the issuance and certification of offset allowances for greenhouse gas emission reductions, destruction, or avoidance, or increases in sequestration relative to the offset project baseline; for offset projects approved pursuant to section 304 in categories on the list issued under section 303;
(2) ensure that those offsets represent real, enforceable, verifiable, additional, and permanent reductions in greenhouse gas emissions or increases in sequestration;
(3) require that the offset project representative for an offset project establish the project baseline and register emission reductions with the offset Registry;
(4) specify the types of offset projects eligible to generate offset allowances, in accordance with section 303;
(b) establish procedures to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in sequestration, in accordance with section 303; and
 Buenos Aires.

(5) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 303;

(6) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(7) specify the types of offset projects eligible to generate offset allowances, in accordance with section 305;

(g) OFFSET ALLOWANCES AWARDED.—The Administrator shall issue to the offset project representative offset allowances for qualifying emission reductions, destruction, or avoidance or avoided sequestrations from an offset project that satisfies the applicable requirements of this subtitle.

(h) TRANSFERABILITY.—An offset allowance generated pursuant to this subtitle may be sold, traded, or transferred, on the condition that the offset allowance has not expired or been retired or canceled under a program described in paragraph (1).

SEC. 303. ELIGIBLE OFFSET PROJECT TYPES.

(a) IN GENERAL.—An offset allowance from agriculture, forestry, or other land use-related projects shall be provided only for achieving an offset of 1 or more greenhouse gases by a method other than a reduction of combustion of greenhouse gas-emitting fuel.

(b) TYPES OF ELIGIBLE OFFSET PROJECTS.—

(I) AGRICULTURAL AND FORESTRY OFFSET PROJECT TYPES.—

(A) TYPES.—The Secretary of Agriculture, in consultation with the Administrator, shall maintain a list of eligible agricultural and forestry offset projects eligible to generate offset allowances under this subtitle, which list shall include—

(i) agricultural, grassland, and rangeland sequestration and management practices, including—

(I) altered tillage practices; and
(II) winter cover cropping, continuous cropping, and other means to increase bio-

mass returned to soil in lieu of planting fol-

lowing;

(ii) conversion of cropland to rangeland or grassland, on the condition that the land has been in nonforest use for at least 10 years before the date of initiation of the project;

(iii) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;

(iv) reduction in the frequency and duration on flooding of rice paddies; and

(v) reduction in carbon emissions from organic soils.

(B) FORESTRY OFFSET PROJECT TYPES.—

(I) TYPES.—The Secretary of Agriculture, in consultation with the Administrator, shall maintain a list of forestry offset projects eligible to generate offset allowances under this subtitle, which list shall include—

(i) afforestation or reforestation of acreage not forested as of October 18, 2007, and
(II) forest management resulting in an increase in forest carbon stores;

(III) management of peatland or wetland; and

(IV) conservation of grassland and forested land.

(c) LIST OF OTHER ELIGIBLE OFFSET PROJECT TYPES.—

(I) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary of Agriculture, in consultation with the Administrator, shall submit for public notice and comment, shall add types of offset projects to the list provided under subpara-

graph (A) if those types of projects meet standards for environmental integrity that are consistent with the purposes of this Act.

(II) ADDITIONAL TYPES.—The Secretary of Agriculture, in consultation with the Administrator, shall only consider, after public notice and opportunity for comment, shall add types of offset projects to the list provided under subpara-

graph (A) if those types of projects meet standards for environmental integrity consistent with the purposes of this Act.

(III) LIST OF OTHER ELIGIBLE OFFSET PROJECT TYPES.—

(I) IN GENERAL.—The Administrator shall maintain a list of offset project types not related to agriculture and forestry that are eligible to generate offset allowances under this subtitle, which list shall include—

(A) the capture or reduction of fugitive greenhouse gas emissions for which no covered facility is required under section 302(a) to submit any emission allowance, offset allowances, or international emission allowances;

(B) methane capture or combustion at non-agricultural facilities, including landfills, waste-to-energy facilities, and coal mines;

(C) reduction, destruction, or avoidance of sulfur hexafluoride emissions from sources of the emissions, including electrical transformation and distribution equipment;

(D) the capture and geological sequestra-

tion of greenhouse gas emissions that would otherwise not have been covered under the limitation on the emission of greenhouse gases under this Act;

(E) any other category proposed to the Admin-

istrator by petition; and

(F) any combination of any of the offset project types described in this paragraph.
subsection (c).

After the date of enactment of this Act, after

projects, determines that

were not forested as of October 18, 2007, if the

Secretary of Agriculture for types of agricul-

tural and forestry offset projects, for use in monitoring, measur-

ing, and quantifying changes in emissions or sequestrations resulting from an offset project, including—

(I) a method for use in quantifying the un-

certainty in those measurements; and

(II) a description of site-specific data that

will be used in that monitoring, measure-

ment, and quantification;

(iv) a procedure for use in establishing the

baseline for a project that ensures that

offset allowances will be issued only for

emission reduction, destruction, avoidance, or sequestrations that are additional;

(vi) a threshold of uncertainty in the

quantification of emission reductions, de-

struction, avoidance, or sequestrations and for baseline levels above which an offset project shall not be eligible to receive offset allowances; and

(II) a procedure by which an offset project

representative may petition for different un-
certainty factors if the offset project represen-
tative demonstrates to the Adminis-
trator, in consultation with the Secretary of Agriculture,

that the measurement methods used by the offset project have less uncer-
tainty than assumed under the default meth-

odology.

(vi) clear and objective tests specified by

the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, that ensure that

the operation of an offset project;

and

(vii) a procedure to estimate leakage and

ensure that the issuance of offset allowances is reduced, an amount equivalent to the quantity of that leakage;

(viii) a procedure for use in—

(i) determining whether the quantity of carbon dioxide equivalent emissions from a project is in conformity with a method-
ology described in subsection (d); and

(ii) accounting for emissions associated with an offset project;

(iii) accounting for a reversal, and man-

aging for the risk of reversal, from an offset project involving biological sequestration;

and

(iv) monitoring, verifying, and reporting the operation of an offset project;

in the Food Security Act of 1985;

(i) a procedure for determining that the emission reductions, destruction, avoidance, or sequestrations from an offset project are not double-counted under any other pro-

gram;

(ii) a procedure for delineating the bound-

aries of an offset project and determining the extent, if any, of emissions leakage from the project that ensures that the methodologies developed under section 1245 of the

Food Security Act of 1985;—

SEC. 304. PROJECT INITIATION AND APPROVAL.

(a) Project Approval.—An offset project representative—

(1) may submit a petition for offset project approval at any time following the effective date of regulations promulgated under section 302; but

(2) may not use or distribute offset allow-

ances until such approval is received and

until after the emission reduction, destruct-

tion, avoidance, or sequestration supporting the offset allowances have actually occurred.

(b) Petition Process.—A project petition shall consist of—

(1) a copy of the monitoring and quanti-

fication plan prepared for the offset project, as described in subsection (d);

(2) in the case of an offset project involving biological sequestration, a greenhouse gas initiation certification, as described under subsection (f);

(3) a designation of the individual or entity that will be the offset project representa-
tive for the offset project;

(4) a monitoring and quantification plan from a third party verifier; and

(5) subject to this subtitle, any other infor-

mation identified by the Administrator in the regulations promulgated under section 302 as being necessary to meet the objectives of this subtitle;

(c) Approval and Notification.—

(1) In General.—Not later than 120 days

after the date on which the Administrator receives a complete petition under sub-

section (b), the Administrator, in conjunc-
tion with the Secretary of Agriculture, shall—

(i) determine whether the monitoring and quantification plan satisfies the applicable requirements of this subtitle;
(B) determine whether any greenhouse gas initiation certification indicates a significant deviation in accordance with subsection (f)(3); and

(C) specify the offset project representative of the determinations under subparagraphs (A) and (B).

(2) APPEAL.—The Administrator shall establish mechanisms for appeal and review of determinations made under this subsection.

(d) MONITORING AND QUANTIFICATION.—

(1) A monitoring and quantification plan shall make use of the standardized tools and methods described in this section to monitor, quantify, and discount reductions, destruction, or avoidance of greenhouse gas emissions or increases in sequestration as described by this subsection.

(2) MONITORING AND QUANTIFICATION PLAN.—

A monitoring and quantification plan shall be used to monitor, quantify, and discount reductions, destruction, or avoidance of greenhouse gas emissions or increases in sequestration as described by this subsection.

(3) PLAN COMPLETION AND RETENTION.—

A monitoring and quantification plan shall be—

(A) completed for all offset projects prior to offset project initiation; and

(B) retained by the offset project representative for the duration of the offset project.

(4) PLAN REQUIREMENTS.—Subject to section 302, the Administrator and the Secretary of Agriculture shall specify the required components of a monitoring and quantification plan, including—

(A) a description of the offset project, including project type;

(B) a determination of accounting periods;

(C) an assignment of reporting responsibility to the offset project representative;

(D) the contents and timing of public reports, including summaries of the original data, as well as the results of any analyses;

(E) a delineation of project boundaries, based on acceptable methods and formats;

(F) a description of which of the monitoring and quantification tools developed under subsection (g) are to be used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks associated with a project;

(G) a description of which of the standardized methods developed under subsection (h) to be used to determine additionality, estimate the baseline carbon, and discount for leakage;

(H) what site-specific data, if any, will be used in monitoring and quantification;

(I) a description of procedures for use in managing and storing data, including quality-control standards and methods, such as redundancy in case record are lost;

(J) subject to the requirements of this subtitle, any other information identified by the Administrator and the Secretary of Agriculture as being necessary to meet the objectives of this subtitle; and

(K) in the case of an offset project involving biological sequestration, a description of the risk of reversals for the project, including any way in which the proposed project may alter the risk of reversal for the project or other projects in the area.

(e) THIRD PARTY VALIDATION OF MONITORING AND QUANTIFICATION PLAN.—

(1) OFFSET VALIDATION.—A validation report for an offset project shall be completed by a verifier accredited in accordance with section 305(c)(3).

(2) VERIFIER VALIDATION.—The Administrator, in conjunction with the Secretary of Agriculture, shall specify the required components of a validation report, including components of—

(A) whether the information, data, and documentation contained within a monitoring and quantification plan are sufficient for the analysis required by the certified methodology;

(B) any errors, omissions, or disagreements with the quantities reported;

(C) any net emission reductions or increases in sequestration;

(D) any determination of additionality;

(E) any determination of leakage;

(F) any assessment of reversal risk and required set-aside;

(G) if it is a sequestration project, whether the land use will be one to track past land use for the required 10-year period and if there is a significant deviation under subsection (f)(3); and

(H) any other provision that the Administrator considers to be necessary to achieve the purpose of this subtitle.

(f) GREENHOUSE GAS INITIATION CERTIFICATION.—

(1) IN GENERAL.—In reviewing a petition submitted under subsection (b), the Administrator, in conjunction with the Secretary of Agriculture, shall seek to exclude each activity that undermines the integrity of the offset program established under this section, such as the conversion or clearing of land, or marked change in management regime, in anticipation of offset project initiation.

(2) GREENHOUSE GAS INITIATION CERTIFICATION REQUIREMENTS.—A greenhouse gas initiation certification developed under this subtitle shall include—

(A) in the case of an agricultural project—

(i) the estimated greenhouse gas flux or carbon stock for the offset project for each of the 4 calendar years preceding the effective date of the regulations promulgated under section 302; and

(ii) the estimated greenhouse gas flux or carbon stock for the offset project, averaged across each of the 4 calendar years preceding the effective date of the regulations promulgated under section 302.

(B) in the case of a forestland project, a procedure for use in determining whether the quantity of carbon sequestered on or in land, if a project was carried out, significantly changed during the 10-year period prior to initiation of the project.

(3) DETERMINATION OF SIGNIFICANT DEVIATION.—Based on standards developed by the Secretary of Agriculture and the Administrator—

(A) each greenhouse gas initiation certification submitted pursuant to this section shall be reviewed; and

(B) a determination shall be made as to whether, as a result of activities or behavior inconsistent with the purposes of this title, a significant deviation exists between the actual greenhouse gas flux or carbon stock and the greenhouse gas flux or carbon stock for a given year.

(g) DEVELOPMENT OF MONITORING AND QUANTIFICATION TOOLS FOR OFFSET PROJECTS.—

(1) IN GENERAL.—Subject to section 302, the Administrator and the Secretary of Agriculture for agricultural and forestry offset projects, shall—

(A) develop standardized methods for use in the monitoring and quantification of changes in greenhouse gas fluxes or carbon stocks for each offset project type listed under sections 303(b) and (c); and

(B) require that leakage be subtracted from reductions, destruction, or avoidance of greenhouse gas emissions or increases in sequestration attributable to a project.

(2) ADDITIONALITY DETERMINATION AND BASELINE ESTIMATION.—The standardized methods used to determine additionality and establish baselines shall, for each project type, at a minimum—

(A) in the case of a biological sequestration project or agricultural emission reduction project, determine the greenhouse gas flux or enhanced carbon stock on the basis of similarity for—

(i) a specific time period; and

(ii) a specific geographic area; and

(B) in the case of a nonbiological sequestration project or emission reduction project, specify a representative project type.

(3) LEAKAGE.—The standardized methods used to determine and discount for leakage shall, at a minimum, take into consideration—

(A) the scope of the offset system in terms of activities and geography covered;

(B) the markets relevant to the offset project; and

(C) in the case of offset projects not involving sequestration, emission intensity per unit of production, both inside and outside of the offset project.

(g) DEVELOPMENT OF MONITORING AND QUANTIFICATION TOOLS FOR OFFSET PROJECTS.—

(1) IN GENERAL.—The Secretary of Agriculture shall develop standardized methods for use in determining and discounting for uncertainties, if appropriate, for offset project types listed under section 303(b).

(2) BASIS.—The standardized methods used to determine and discount for uncertainty shall be based on—

(A) the robustness and rigor of the methods used by an offset project representative.
to monitor and quantify changes in greenhouse gas fluxes or carbon stocks; and
(B) the robustness and rigor of methods used by an offset project representative to determine the procedures and factors used.
(3) ACQUISITION OF NEW DATA AND REVIEW OF METHODS. The Secretary of Agriculture, in collaboration with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall:
(1) establish a comprehensive field sampling program to improve the scientific bases on which the standardized tools and methods developed under this section are based;
(2) review and revise the standardized tools and methods developed under this section, based on:
(A) validation of existing methods, protocols, procedures, techniques, factors, equations, or models;
(B) development of new methods, protocols, procedures, techniques, factors, equations, or models;
(C) increased availability of field data or other information.
(3) VERIFICATION REPORT REQUIREMENTS.
(I) quantification of net emission reductions or increases in sequestration offset allowances, the Administrator shall, in conjunction with the Secretary of Agriculture, shall determine for the project the percentage probability determined by paragraph (1), the Administrator shall:
(A) register the offset allowances in accordance with this subtitle; and
(B) issue the offset allowances to the offset project representative.
(2) APPEAL AND REVIEW. The Administrator shall establish mechanisms for the appeal and review of determinations made under this subsection.
SEC. 306. TRACKING OF REVERSALS FOR SEQUESTRATION PROJECTS.
(a) REVERSAL RISK FACTOR DETERMINATION.
(1) IN GENERAL. In approving a biological sequestration offset project pursuant to section 304, the Administrator, in consultation with the Secretary of Agriculture, shall determine the percentage probability that the project will experience a reversal at least a year or more than twice the amount of the offset project type.
(b) APPLICATION OF THE REVERSAL RISK FACTOR. When issuing offset allowances for an offset project type, the Administrator shall:
(A) issue the offset allowances in accordance with this subtitle; and
(B) register the offset allowances in accordance with paragraph (1), the Administrator shall:
(A) register the offset allowances in accordance with this subtitle; and
(B) issue the offset allowances to the offset project representative.
(2) UNINTENTIONAL REVERSALS. If theAdministrator, in conjunction with the Secretary of Agriculture, determines that an unintentional reversal has occurred with respect to an offset project, the Administrator shall cancel a quantity of offset allowances in the biological sequestration offset allowance buffer reserve corresponding to the quantity of the reversal.
(3) EXCESS REVERSALS. If the quantity of a reversal exceeds the maximum number of reversals in the biological sequestration offset allowance buffer reserve, the offset project representative shall compensate the buffer reserve for the quantity of offset allowances or emissions allowances equal to the difference between:
(A) the quantity of the reversal; and
(B) the quantity of allowances in the buffer reserve.
(c) INTENTIONAL REVERSALS. If the Administrator, in conjunction with the Secretary of Agriculture, determines that an intentional reversal has occurred with respect to an offset project, the Administrator shall adjust the quantity of offset allowances in the buffer reserve in light of the actual experience of reversals.
(2) ADJUSTMENT. On the basis of the review conducted under paragraph (1), the Administrator may adjust the reversal risk factor determinations implemented under subsection (a).
the examination and auditing of offset allowances.

(b) REQUIREMENTS.—The governing regulations described in subsection (a) shall specify, for purposes of this subtitle—

(1) principles for initiating and conducting examinations;
(2) the type or scope of examinations, including—
(A) reporting and recordkeeping; and
(B) site review or visitation;
(3) the rights and privileges of an examined party; and
(4) the establishment of an appeals process.

SEC. 308. TIMING AND THE PROVISION OF OFFSET ALLOWANCES.

An offset project that commences operation on or after the effective date of the governing rules described in section 307(a) shall be eligible to generate offset allowances under this subtitle, and receive emission allowances under the program established pursuant to title VII, if the offset project meets the other applicable requirements of this subtitle.

SEC. 309. OFFSET REGISTRY.

In addition to the requirements established by section 304, an offset allowance registered under this subtitle shall be accompanied in the Registry by—

(1) a verification report submitted pursuant to section 305(a);
(2) the offset project involves biological sequestration, a reversal certification submitted pursuant to section 306(b); and
(3) subject to the requirements of this subtitle, the Administrator, in conjunction with the Secretary of Agriculture, as being necessary to achieve the purposes of this subtitle.

SEC. 310. ENVIRONMENTAL CONSIDERATIONS.

(a) COORDINATION OF ENVIRONMENTAL BENEFITS.—In promulgating regulations under this subtitle, the Administrator and the Secretary of Agriculture shall act, in accordance with subsection (b), to avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this subtitle.

(b) REPORT ON POSITIVE EFFECTS.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator, the Secretaries of State, Agriculture, and the Interior, shall submit to Congress a report detailing—

(1) the cost of those incentives, programs, or policies;
(2) the extent to which the adaptation and mitigation measures available for fostering improvements to human health or the environment in conjunction with the implementation of offset projects under this subtitle;
(3) the cost of those incentives, programs, or policies.

(c) COORDINATION TO ENHANCE ENVIRONMENTAL BENEFITS.—In promulgating regulations under this subtitle, the Administrator and the Secretary of Agriculture, in conjunction with the Secretaries of State, Interior, and Defense, shall—

(1) to ensure native plant materials are given primary consideration, in accordance with applicable Department of Agriculture guidance for use of native plant materials;
(2) to prohibit Federal or State-designated noxious weeds; and
(3) to prohibit the use of a species listed by a regional or State invasive plant council within the region or State.

SEC. 311. PROGRAM REVIEW.

Not later than 5 years after the date of enactment of this Act, and periodically thereafter, the Administrator and the Secretary of Agriculture shall review and revise, as necessary to achieve the purposes of this Act, the regulations promulgated by each of the Administrator and the Secretary under this subtitle.

Subtitle B—Offsets and Emission Allowances From Other Countries

SEC. 321. PRESIDENTIAL RULEMAKING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator and the Secretary of State, shall promulgate regulations approving the use of offset allowances and emission allowances from other countries under this subtitle.

(b) USE.—The Secretary of State shall promulgate regulations that—

(1) the incentives, programs, or policies authorized under this section satisfy the requirements of this Act; and
(2) avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this subtitle.

SEC. 322. OFFSET ALLOWANCES ORIGINATING FROM PROJECTS OR OTHER ACTIVITIES IN OTHER COUNTRIES.

SEC. 323. OFFSET ALLOWANCES FOR INTERNATIONAL FOREST CARBON ACTIVITIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the President, in consultation with the Secretary of State, shall promulgate regulations under this section that—

(1) establish the appropriateness of the 1,000,000,000-ton limit on use of offset allowances and emission allowances under this subtitle; and

(2) provides recommendations as to whether and how to adjust the limit.

SEC. 324. OFFSET ALLOWANCES FOR INTERNATIONAL FOREST CARBON ACTIVITIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the President, in consultation with the Secretary of State, shall promulgate regulations under this section that—

(1) establish the appropriateness of the 1,000,000,000-ton limit on use of offset allowances and emission allowances under this subtitle; and

(2) provides recommendations as to whether and how to adjust the limit.

SEC. 325. PRESIDENTIAL RULEMAKING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations (including quality and eligibility requirements) for the use of offset allowances for international forest activities.

(b) QUALITY AND ELIGIBILITY REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved under this section, offset allowances for international forest activities shall meet such quality and eligibility requirements as the Administrator may establish, including a requirement that—

(1) the activity shall be designed, carried out, and managed—
(A) in accordance with widely-accepted, internationally recognized forestry practices; and
(B) to promote native species and conservation of native forests, if practicable, and to avoid the introduction of invasive nonnative species;
The text appears to be a draft of legislation related to forest carbon activities and emission reductions. It includes references to international standards, carbon sequestration, and the development of new methods and technologies. The document also mentions the roles of the Secretary of Agriculture and other federal agencies in implementing these regulations. The text is complex and technical, discussing specific criteria, monitoring, and the allocation of emission allowances.
(aa) to cover research on technologies and other barriers, prototypes, first-of-a-kind risk coverage, and initial market barriers; and
(bb) under limited categories of activities that are dependent on forward progress.

(c) REQUIREMENT.—The Secretary of Agriculture shall distribute emission allowances under this section in a manner that ensures that each program or activity under this section do not receive more compensation for emission reductions under this program than the entities would receive for the same reductions through an offset project under subtitle A.

(d) COORDINATION WITH SUBTITLE A.—

(1) IN GENERAL.—Subject to paragraph (2), an individual or entity carrying out an activity under this subtitle that also qualifies as an offset project pursuant to subtitle A may petition (pursuant to the regulations under subtitle A) to receive offset allowances for reductions, destruction, avoidance, or sequestration of greenhouse gas emissions for which the individual or entity does not receive emission allowances under this section.

(2) A project may receive both allowances under this subtitle and offset allowances for the same ton of greenhouse gas emissions reduced, destroyed, avoided, or sequestered.

Beginning on page 424, strike line 4 and all that follows through page 438, line 2, and insert the following:

SEC. 1311. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) changes in land use patterns and forest sector emissions account for approximately 20 percent of global greenhouse gas emissions;

(2) land conversion and deforestation are 2 of the largest sources of greenhouse gas emissions in the developing world, comprising approximately 40 percent of the total greenhouse gas emissions of the developing world;

(3) with sufficient data, deforestation and forest degradation rates and forest carbon stocks can be measured with an acceptable degree of uncertainty;

(4) forest resource deforestation and reduced forest degradation in foreign countries could—

(A) in the critical leverage to encourage voluntary participation by developing countries in emission limitation regimes;

(B) facilitate greater overall reductions in greenhouse gas emissions than otherwise would be practicable; and

(C) substantially benefit biodiversity, conservation, and indigenous and other forest-dependent people in developing countries;

(5) in addition to forest carbon activities that can be readily measured, monitored, and verified through national-scale programs and projects, there is great value in reducing emissions and sequestering carbon through forest carbon projects in countries that lack the institutional arrangements to support national-scale accounting of forest carbon stocks; and

(6) providing emission allowances in support of activities in countries that lack fully developed institutions for national-scale accounting could help to build capacity in those countries, sequester additional carbon, and increase participation by developing countries in international climate agreements.

(b) PURPOSE.—The purpose of this subtitle is to reduce greenhouse gas emissions by reducing deforestation and forest degradation in foreign countries and to establish a framework that reduces the costs imposed by this Act on covered entities in the United States.

SEC. 1312. INTERNATIONAL FOREST CARBON ACTIVITIES PROGRAM.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations to establish programs or recognize existing programs under which the Administrator shall provide emission allowances allocated pursuant to subsection (b) to assist developing countries in the efforts of the developing countries to achieve emissions reductions or increased sequestration of carbon dioxide from international activities.

(b) ALLOCATION.—Not later than 330 days before January 1 of each of calendar years 2012 through 2050, the Administrator shall allocate for distribution under this section 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 20(a).

(c) EARLY ACTION.—Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate for early action distribution for each of calendar years 2010 through 2022 not more than 10 percent of the aggregate quantity of emission allowances allocated under subsection (b) for each of calendar years 2010 through 2022.

(d) CARRYOVER.—If the sum of the emission allowances for a calendar year is not allocated for distribution in the calendar year, the Administrator shall carry over to the next calendar year the residual emission allowances.

(e) ENSURING MARKET READINESS IN DEVELOPING COUNTRIES.—

(1) IN GENERAL.—The Administrator shall—

(A) set aside a portion of the allowances to be allocated under subsections (b) and (c) for the purpose of ensuring readiness in forested developing countries; and

(B) auction those allowances with the proceeds deposited into a market readiness account.

(2) ELIGIBILITY FOR PROCEEDS.—The regulations promulgated pursuant to subsection (a) shall designate the requirements for developing countries to be eligible to receive proceeds from the auction of emission allowances under paragraph (1) to be used for the preparation of a national reduced deforestation and forest degradation strategy (referred to in this section as a "REDD strategy"), including—

(A) developing a reliable estimate of the national forest carbon stocks and sources of forest emissions of the developing country;

(B) defining the national emission reference baseline for the developing country based on past emission rates;

(C) specifying options for reducing emissions; and

(D) implementing mechanisms that will support policies, programs, and projects to reduce emissions.

(f) INCENTIVE PAYMENTS FOR LOW-COST EMISSION REDUCTION PROJECTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing eligibility requirements for the allocation of emission allowances under this subsection for international forest carbon activities, including requirements that those activities shall be designed, carried out, and managed—

(A) in accordance with widely-accepted environmentally sustainable forestry practices;

(B) to promote native species and restoration of native forests, if practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that is supportive of the internationally-recognized rights of indigenous and other forest-dependent peoples living in the affected areas; and

(D) in a manner that enhances the capability, if consistent with the applicable laws in the country involved, of local communities to exercise the right of free, prior informed consent regarding projects or other activities.

(2) QUALITY CRITERIA FOR INTERNATIONAL FOREST CARBON ALLOCATIONS.—The regulations promulgated pursuant to paragraph (1) shall include requirements intended to ensure that the international forest carbon activity for which emission allowances are provided under this section results in real, permanent, additional, verifiable, and enforceable emission reductions, with reliable measurement and monitoring and appropriate accounting for leakage.

(h) PEATLAND AND OTHER NATURAL LAND THAT SEQUESTER CARBON.—The Administrator may provide emission allowances under this section for a project or activity that generates greenhouse gas emissions accounting for more than 1 percent of global greenhouse gas emissions and

(i) unless the Administrator determines that provision of allowances to a project or activity in a country that would otherwise be subject to the exclusions in subparagraph (C) or (D) is in the interest of building needed capacity or reducing international leakages, the Administrator may provide emission allowances under this section for a project or activity subject to other criteria in this subsection.

(e) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations establishing eligibility requirements for the allocation of emission allowances under this section for a project or activity subject to other criteria in this subsection.

(2) QUALITY CRITERIA FOR INTERNATIONAL FOREST CARBON ALLOCATIONS.—The regulations promulgated pursuant to paragraph (1) shall include requirements intended to ensure that the international forest carbon activity for which emission allowances are provided under this section results in real, permanent, additional, verifiable, and enforceable emission reductions, with reliable measurement and monitoring and appropriate accounting for leakage.

(f) ENSURING MARKET READINESS IN DEVELOPING COUNTRIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to establish programs or recognize existing programs under which the Administrator shall provide emission allowances allocated pursuant to subsection (b) to assist developing countries in the efforts of the developing countries to achieve emissions reductions or increased sequestration of carbon dioxide from international activities.

(b) no allowances for emission reduction under this section shall be awarded to countries, or entities for projects in countries, that meets the criteria established under section 1901(a)(3) promulgated by the Administrator, after the 2-year period beginning on the date the Administrator determines that those criteria apply; and

(c) no allowances shall be issued in a calendar year beginning more than 5 years after the date of enactment of this Act to a project or activity in a country that generates greenhouse gas emissions accounting for more than 1 percent of global greenhouse gas emissions; and

(d) no allowances shall be issued in a calendar year beginning more than 5 years after the date of enactment of this Act to a project or activity in a country that generates greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions; and

(e) unless the Administrator determines that provision of allowances to a project or activity in a country that would otherwise be subject to the exclusions in subparagraph (C) or (D) is in the interest of building needed capacity or reducing international leakages, the Administrator may provide emission allowances under this section for a project or activity subject to other criteria in this subsection.

(f) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations establishing eligibility requirements for the allocation of emission allowances under this subsection for international forest carbon activities, including requirements that those activities shall be designed, carried out, and managed—

(A) in accordance with widely-accepted environmentally sustainable forestry practices;

(B) to promote native species and restoration of native forests, if practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that is supportive of the internationally-recognized rights of indigenous and other forest-dependent peoples living in the affected areas; and

(D) in a manner that enhances the capability, if consistent with the applicable laws in the country involved, of local communities to exercise the right of free, prior informed consent regarding projects or other activities.

(2) QUALITY CRITERIA FOR INTERNATIONAL FOREST CARBON ALLOCATIONS.—The regulations promulgated pursuant to paragraph (1) shall include requirements intended to ensure that the international forest carbon activity for which emission allowances are provided under this section results in real, permanent, additional, verifiable, and enforceable emission reductions, with reliable measurement and monitoring and appropriate accounting for leakage.

(h) PEATLAND AND OTHER NATURAL LAND THAT SEQUESTER CARBON.—The Administrator may provide emission allowances under this section for a project or activity that generates greenhouse gas emissions accounting for more than 1 percent of global peatland or other natural land if the Administrator determines that—

(1) the peatland or other natural land is capable of storing carbon;

(2) the project for storage of carbon in the peatland or other natural land is capable of meeting the quality criteria described in subsection (b); and

SEC. 1313. LIMITATION ON DOUBLE COUNTING.

Notwithstanding any other provision of this Act, activities that receive credit under
subtitle B of title III shall not be eligible to receive emission allowances under this subtitle.

SEC. 314. EFFECT OF SUBTITLE.
Notwithstanding the foregoing, this subtitle supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

SA 4556. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. WYDEN, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 412 and insert the following:

SEC. 412. CARBON MARKET OVERSIGHT AND REGULATION.

(a) DELEGATION OF AUTHORITY BY PRESIDENT.—The President, taking into consideration the recommendations of the Working Group established by subsection (b), shall delegate to members of the Working Group and the heads of other appropriate Federal entities the authority to promulgate regulations designed to prevent the disclosure of information controlled by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

(b) ESTABLISHMENT.—There is established an interagency working group, to be known as the “Carbon Markets Working Group” (referred to in this section as the “Working Group”).

(c) MEMBERSHIP.—The Working Group shall be composed of the following members (or their designees):

(1) The Administrator, who shall serve as Chairperson of the Working Group.

(2) The Secretary of the Treasury.

(3) The Chairman of the Securities and Exchange Commission.

(4) The Chairman of the Commodity Futures Trading Commission.


(6) The Chairperson of the Board.

(7) Such other Executive branch officials as may be appointed by the President.

(d) DUTIES.

(1) IDENTIFICATION OF ISSUES AND APPROPRIATE ACTIVITIES.—

(A) IN GENERAL.—The Working Group shall identify:

(i) the major issues relating to the integrity, efficiency, orderliness, fairness, and competitiveness of the development and operation by the United States of any financial market for emission allowances, based on the following core principles:

(I) The market shall—

(A) be designed to prevent, detect, and remediate manipulation relating to the trading of emission allowances and related markets, which could potentially arise from many sources, including—

(1) information market power within the control of a limited number of individuals or entities; and

(2) the abuse of material, nonpublic information;

(B) be transparent, with real-time reporting of trades; and

(ii) make information on price, volume, and supply, and other important statistical information available to the public on fair, reasonable, and nondiscriminatory terms; and

(B) be subject to appropriate recordkeeping and reporting requirements regarding transactions; and

(C) have the confidence of Federal and State regulators, investors, and covered entities subject to compliance obligations under this Act.

(B) The market shall—

(A) function smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances;

(B) be designed to prevent excessive speculative fluctuations or unwarranted changes in—

(i) the price of emission allowances; or

(ii) prices in related markets; and

(C) promote just and equitable principles of trade.

(2) Market transparency measures shall be designed to prevent the disclosure of information that could cause sudden or unreasonable fluctuations or unwarranted changes in—

(i) the price of emission allowances; or

(ii) prices in related markets; and

(C) promote just and equitable principles of trade.

(3) Market transparency measures shall be designed to prevent the disclosure of information the disclosure of which would be detrimental to the operation of an effective emission allowance market.

(4) The market shall be subject to effective and comprehensive oversight, which integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and comparable international oversight and enforcement authorities.

(5) There shall be an appropriate interagency forum—

(A) for ongoing assessment of emerging regulatory matters and information sharing; and

(B) to ensure regulatory coordination of the market.

(6) The market shall establish an equitable system for best execution of customer orders.

(7) The market shall protect investors and the public interest.

(8) To reduce the potential threats of market manipulation and the concentration of market power, the market shall be subject to position limitations or position accountability measures, as necessary and appropriate.

(c) ESTABLISHMENT.—There is established an interagency working group, to be known as the “Carbon Markets Working Group” (referred to in this section as the “Working Group”).

(d) MEMBERSHIP.—The Working Group shall be composed of the following members (or their designees):

(1) The Administrator, who shall serve as Chairperson of the Working Group.

(2) The Secretary of the Treasury.

(3) The Chairman of the Securities and Exchange Commission.

(4) The Chairman of the Commodity Futures Trading Commission.


(6) The Chairperson of the Board.

(7) Such other Executive branch officials as may be appointed by the President.

(d) DUTIES.

(1) IDENTIFICATION OF ISSUES AND APPROPRIATE ACTIVITIES.—

(A) IN GENERAL.—The Working Group shall identify:

(i) the major issues relating to the integrity, efficiency, orderliness, fairness, and competitiveness of the development and operation by the United States of any financial market for emission allowances under the cap-and-trade system for emission allowances established under this Act;

(ii) any relevant recommendations provided to the Working Group by Federal, State, or local governments, organizations, individuals, and entities; and

(iii) any recommendations on market regulation, policy coordination, and contingency planning, that are appropriate to carry out those recommendations.

(B) The Chairperson, in identifying appropriate activities under subparagraph (A)(iii), the Working Group shall consult with representatives of—

(i) various information exchanges and clearinghouses;

(ii) self-regulatory entities, securities exchanges, transfer agents, and clearing entities; and

(iii) participants in the emission allowance trading market, including covered entities;

(1) State regulatory authorities; and

(2) other Federal entities, including—

(I) the Federal Reserve; and

(II) the Federal Trade Commission.

(C) STUDY.—The Working Group shall conduct a study of the major issues relating to the regulation of the emission allowance trading market and other carbon markets.

(1) REPORT.—Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Working Group shall submit to the President and Congress a report describing—

(A) the progress made by the Working Group;

(B) recommendations of the Working Group regarding any regulations proposed pursuant to section 1722; and

(C) recommendations for additional legislative action, if necessary; and

(D) a timetable for the implementation of the new regulations to ensure that the regulations take effect before the effective date of regulations governing the emission allowance trading system.

(f) ENFORCEMENT.—Regulations promulgated under this section shall—

(A) be enforced by the Federal Government.

(B) Recommendations of the Working Group regarding any regulations proposed pursuant to section 1722, be considered to have been promulgated pursuant to this Act.

(g) ADMINISTRATION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Working Group may secure directly from any Federal agency such information as the Working Group considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Working Group, the head of the agency shall provide the information to the Working Group.

(2) COMPENSATION OF MEMBERS.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(3) ADMINISTRATOR SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, the Administrator shall provide the Working Group such administrative and support services as are necessary to assist the Working Group in carrying out the duties described in this section.

(h) EFFECT OF SECTION.—Nothing in this section limits or restricts any regulatory or enforcement authority of a Federal entity as in effect on the date of enactment of this Act.

(i) PROHIBITIONS.—

(1) IN GENERAL.—It shall be unlawful for any individual or entity—

(A) to knowingly provide to the President (or a designee) any false information relating to the price or quantity of emission allowances sold, purchased, transferred, banked, or borrowed by the individual or entity, with the intent to fraudulently affect data compiled by the Administrator or any other entity; or

(B) directly or indirectly, to use in connection with the purchase or sale of an emission allowance any manipulative or deceptive device or contrivance (within the meaning of section 10(b) of the Securities and Exchange Act of 1934 (15 U.S.C. 78j(b)), in contravention
of such regulations as are promulgated to protect public interest or consumers; or
(C) to cheat or defraud, or to attempt to cheat or defraud, another market partici-

(2) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the President shall delegate the authority to promulgate regulations in accordance with paragraph (1) to 1 or more entities represented in the Working Group.

(3) PENALTIES. —An individual or entity that violates an applicable provision of paragraph (1) or a regulation promulgated pursuant to paragraph (2) shall be subject to a fine of not more than $1,000,000 or imprisonment for not more than 10 years, or both, for each such violation.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection establishes any private right of action.

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

SA 4951. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 6 and all that follows through page 38, line 7, and insert the following:

(1) in new or renovated buildings that demonstrate exemplary performance, which shall, at a minimum, place the energy performance of the building in the top 25 percent for similar new or renovated buildings with reference to an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d); and

(2) in retrofitted existing buildings that demonstrated substantial improvement in the energy performance of the buildings by achieving a minimum increase of 10 percent in energy efficiency as measured by the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent improvement using an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d); and

(c) PRIOIRITY.—In providing grants under this subsection, the Administrator shall give priority to projects that result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program referred to in subsection (b)(1), including at a minimum benefits such as local energy savings and reductions in embodied energy of construction materials.

On page 38, line 25, insert “manufacturer,” after “retailer.”

On page 39, line 14, insert “manufacturer,” after “retailer.”

On page 39, line 18, insert “manufacturer,” after “retailer.”

On page 40, line 6, insert “manufacturer,” after “retailer.”

On page 40, line 9, strike “not to exceed 10 years.”

On page 63, between lines 7 and 8, insert the following:

SEC. 127. IMPACT EVALUATION AND MEASURE-
MENT AND VERIFICATION RULES.

(a) DEFINITION.—

(1) IMPACT EVALUATION.—The term “impact evaluation” means the evaluation of the en-
ergy savings and greenhouse gas emissions reductions induced by a specific program, project, or policy.

(2) MEASUREMENT AND VERIFICATION.—The term “measurement and verification” means the collection, analysis, and synthesis of data that are used to quantify and verify energy savings and greenhouse gas emissions reductions from individual projects or sites.

(b) RULES.—

(1) IN GENERAL.—The Administrator, in consultation with States, utilities, and other stakeholders, shall develop and enforce uniform rules for impact evaluation, measurement, and verification of the energy savings and avoided greenhouse gas emissions of energy efficiency programs and projects.

(2) SCOPE.—The rules shall be used by States, utilities, and other entities receiving allowances or allowance proceeds under this Act based on energy savings and greenhouse gas emission reductions or for use in energy efficiency programs or projects.

(c) REQUIREMENTS.—

(1) ENFORCEABILITY, VERIFIABILITY, AND ADDITIONALITY.—To the maximum extent practicable, the Administrator shall ensure that rules under subsection (b) are enforceable; give reasonable assurance that energy savings and avoided greenhouse gas emissions from measures implemented under the scope of this Act have not been achieved in a comparable state that did not have not occurred without the allowances or proceeds under this Act.

(2) ADDITIONAL CHARACTERISTICS.—To the maximum extent practicable, the Administrator shall ensure that rules under subsection (b) are complete and transparent; include a life-cycle analysis; provide sufficient direction relating to the methodologies and assumptions, including measure persistence, market transformation impacts, and the extent to which the savings would have occurred without the allowances or proceeds under this Act, to ensure reasonable uniformity among various States and entities and consistency in results.

(3) USE OF EXISTING PROTOCOLS.—To the maximum extent practicable, the Administrator shall ensure that rules under subsection (b) are complete and transparent, give reasonable assurance that energy savings and avoided greenhouse gas emissions from measures implemented under the scope of this Act have not been achieved in a comparable state that did not have not occurred without the allowances or proceeds under this Act, to ensure reasonable uniformity among various States and entities and consistency in results.

(a) REQUIREMENTS.—

(1) IN GENERAL.—During any calendar year, a State shall

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for annually scoring achievements by States in reducing greenhouse gas emissions and energy use over the preceding 3 years, including through State policies such as climate policies, building energy codes, and ratepayer-funded energy efficiency programs.

(2) REQUIREMENT.—Scoring under paragraph (1) shall—

(A) be designed to encourage States policies and programs to reduce greenhouse gas emissions and increase energy efficiency; and

(B) reward existing State policies and programs.

(b) FUNDING FOR LONG-TERM SAVINGS.—A sig-

ificant portion of the scoring for calendar years 2012 through 2013 shall recognize ex-
pected reductions in greenhouse gas emissions and energy use over the preceding 3 years, including through State policies such as climate policies, building energy codes, and ratepayer-funded energy efficiency programs.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Except as otherwise pro-
vided in this paragraph, each local distribution entity, with oversight from the appropriate State utility commission in accordance with State law, shall use at least 30 percent of the proceeds from the sale of emission allowance proceeds to fund programs to encourage, assist, and provide incentives to consumers and businesses to improve energy efficiency and reduce energy use, with an emphasis on covering consumers and businesses that are not directly receiving energy-efficiency assistance under other provisions of this Act.

(2) EXCEPTION.—Notwithstanding sub-
section (I) of this section, a State may reduce the percent in energy performance as measured by the benchmarking tool of the Energy Star program established by section 324A of the Climate Change Technology Board; and

(3) STATE PROGRAMS.—States may use the proceeds from the sale of emission allowances to fund programs to encourage, assist, and provide incentives to consumers and businesses to improve energy efficiency and reduce energy use, with an emphasis on covering consumers and businesses that are not directly receiving energy-efficiency assistance under other provisions of this Act.

(4) LOCAL DISTRIBUTION ENTITIES.—A sig-
ificant portion of the proceeds from the sale of emission allowances to fund programs to encourage, assist, and provide incentives to consumers and businesses to improve energy efficiency and reduce energy use, with an emphasis on covering consumers and businesses that are not directly receiving energy-efficiency assistance under other provisions of this Act.

(5) LOCAL DISTRIBUTION ENTITIES.—

(a) IN GENERAL.—The local distribution entity shall designate a program administrator other than the local distribution entity, with oversight from the appropriate State utility commission in accordance with State law, shall use at least 30 percent of the proceeds from the sale of emission allowance proceeds to fund programs to encourage, assist, and provide incentives to consumers and businesses to improve energy efficiency and reduce energy use, with an emphasis on covering consumers and businesses that are not directly receiving energy-efficiency assistance under other provisions of this Act.

(b) EXCEPTION.—Nothing in paragraph (1) shall apply to the proceeds from the sale of emission allowances to fund programs to encourage, assist, and provide incentives to consumers and businesses to improve energy efficiency and reduce energy use, with an emphasis on covering consumers and businesses that are not directly receiving energy-efficiency assistance under other provisions of this Act.
program referred to in subsection (b)(1), including at a minimum benefits such as location efficiency and reductions in embodied energy of construction materials. On page 250, line 16, insert “manufac- 
turers,” after "retailers." On page 250, line 19, insert "manufac- 

On page 257, line 10, insert “manufac- 
turers,” after "retailer." On page 257, line 13, strike “.. but not to exceed 10 years.” On page 258, strike lines 17 through 24 and insert the following:

Subtitle E—Energy-Efficient Products and Services Deployment Program

SEC. 841. ALLOCATION.
Not later than 330 days before the beginning of each calendar year 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431, 0.15 percent of the emission allowances established pursuant to section 521 for that calendar year, for the purpose of establishing the Energy and Resource Use Efficiency in the United States, as a reward for achieving high levels of energy and resource use efficiency in the operations and processes of the owners and operators.

SEC. 842. ENERGY-EFFICIENT PRODUCTS AND SERVICES DEPLOYMENT PROGRAM

(a) ESTABLISHMENT.—There is established an energy-efficient products and services deployment program to provide design, building construction, product installation, education, or implementation of other strategies to improve energy productivity by individuals, entities, Federal, State, or local governments, and consortia of businesses and organizations that demonstrate strong capability to capture energy savings described in subsection (b).

(b) ENERGY SAVINGS.—At a minimum, energy savings captured under subsection (a) shall be energy savings:

(1) that have not been and, as determined by the Climate Change Technology Board, are not expected to be otherwise captured under this Act;

(2) that span multiple States; and

(3) the results of which can be accounted for and are distinguishable from those of other programs under this Act.

(c) INCENTIVES.—The program established under subsection (a) shall deliver incentives for individuals and entities in the private sector to pursue, innovate, and compete for energy efficiency improvement opportunities.

(d) CRITERIA.—The Climate Change Tech- 

nology Board, in consultation with the Ad- 

ministrator and other appropriate agencies, shall establish objective eligibility criteria for energy efficiency projects to be funded under this section, including criteria to en- sure that the projects are verified and would not have otherwise been carried out without the award of funds under this section.

(e) CONTRACTS.—An award for deploying 1 or more highly energy-efficient products or services that meet the criteria established under this section shall be in the form of a contract to provide an annual payment for verified energy savings equal to the product obtained by multiplying—

(1) the amount bid by the individual or entity proposing to deploy the highly energy-efficient product or service;

(2) the energy savings during the projected useful life of the 1 or more highly energy-efficient products or services, but not to exceed 15 years, as determined by the Climate Change Technology Board.

On page 293, strike line 23 and insert the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funds described in subsection (a) shall be used for programs that are expected to reduce the emission of greenhouse gases.

SA 4952. Mrs. FEINSTEIN (for herself, Mr. KLINGHOFFER, Mr. SNOE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, strike the table that appears before line 1 and insert the following:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for distribution among fossil fuel-fired electricity generators in United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>20</td>
</tr>
<tr>
<td>2013</td>
<td>20</td>
</tr>
<tr>
<td>2014</td>
<td>20</td>
</tr>
<tr>
<td>2015</td>
<td>20</td>
</tr>
<tr>
<td>2016</td>
<td>19.75</td>
</tr>
<tr>
<td>2017</td>
<td>19.5</td>
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<tr>
<td>2018</td>
<td>19.25</td>
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<tr>
<td>2019</td>
<td>18.75</td>
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<tr>
<td>2020</td>
<td>17</td>
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<td>2021</td>
<td>15.5</td>
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<td>2022</td>
<td>13.25</td>
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<td>12.25</td>
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<td>2024</td>
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<td>10.75</td>
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<tr>
<td>2030</td>
<td>5</td>
</tr>
<tr>
<td>2031</td>
<td>4.75</td>
</tr>
</tbody>
</table>

Beginning on page 193, strike line 9 and all that follows through page 194, line 12, and insert the following:

(b) CALCULATION.—

(1) IN GENERAL.—The regulations promul- 
gated pursuant to subparagraph (a) shall pro- 
vide that the quantity of emission allow- 
ances distributed to the owner or operator of an individual fossil fuel-fired electricity gener- 
ator for a calendar year shall be equal to the product obtained by multiplying—

(A) the quantity of emission allowances allo- 

dated pursuant to section 551; and

(B) subject to paragraph (2), the quotient obtained by dividing—

(i) the average annual quantity of carbon dioxide equivalents emitted by the fossil fuel-fired electricity generator during the 3 calendar years preceding the date of enact- 
m ent of this Act; by

(ii) the average annual quantity of carbon dioxide equivalents emitted by all fossil fuel-fired electricity generators during those 3 calendar years.

(2) INITIAL BASELINE FOR NEW ENTRANTS.—

For purposes of the calculation under para- 
graph (1), in the case of a fossil fuel-fired electricity generator that commences operation on or after January 1, 2009, the value described in subparagraph (B) of paragraph (1) for each of the first 3 calendar years for which the generator is in operation shall be the average annual quantity of carbon dioxide equivalent emissions of fossil fuel-fired electricity generators during those 3 calendar years.

Strike the table that appears on page 203 after line 2 and insert the following:
SEC. 905. ADDITIONAL FUNDS.
(a) IN GENERAL.—For the period of calendar years 2009 through 2012, of the proceeds of the auctions conducted under section 1402(a), $5,000,000,000 shall be allocated by the Administrator to the Low- and Zero-Carbon Electricity Technology Fund in accordance with the schedule described in subsection (b).
(b) SCHEDULE.—Of the amount made available under subsection (a), the Administrator shall allocate—
(1) $1,000,000,000 for calendar year 2012;
(2) $1,000,000,000 for calendar year 2013;
(3) $1,000,000,000 for calendar year 2014;
(4) $500,000,000 for calendar year 2015;
(5) $500,000,000 for calendar year 2016;
(6) $500,000,000 for calendar year 2017; and
(7) $500,000,000 for calendar year 2018.
Beginning on page 297, strike line 24 and all that follows through page 298, line 3, and insert the following:
(1) the production of electricity from new zero- or low-carbon generation;
(2) facility establishment or conversion by manufacturers and component suppliers of zero- or low-carbon generation technology; and
(3) the construction of additional transmission capacity to increase the quantity of renewable electricity on the electrical grid.

On page 298, strike lines 4 through 17 and insert the following:
(a) IN GENERAL.—The Climate Change Technology Board shall make awards under this section to domestic producers of new zero- or low-carbon generation, domestic facilities and operations of manufacturers and component suppliers of zero- or low-carbon generation technology, and domestic transmitters of renewable electricity;

On page 300, between lines 10 and 11, insert the following:
(3) Minimum Amount.—Of the amounts used by the Climate Change Technology Board to make awards to entities for zero- or low-carbon generation under this subtitle, not less than 1 percent of the amounts shall be used each fiscal year to make awards to entities for the generation of renewable energy.

On page 301, between lines 10 and 11, insert the following:
(c) Construction of Transmission Capacity to Increase Availability of Renewable Electricity.
(1) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program to direct, for each of calendar years 2012 through 2050, 1 percent of the funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904 to builders of qualifying transmission lines, based on the percentage of the qualifying transmission lines of the builders that are dedicated to the transmission of energy from renewable energy sources to the electrical grid.

On page 297, between lines 9 and 10, insert the following:
SEC. 912. ADDITIONAL FUNDS.
(a) IN GENERAL.—For the period of calendar years 2012 through 2015, of the proceeds of the auctions conducted under section 1402(a), $5,000,000,000 shall be allocated by the Administrator to the Advanced Research Projects Agency—Energy—
(1) to be used by the Administrator to carry out renewable energy projects; and
(2) in accordance with the schedule described in subsection (b).
(b) SCHEDULE.—Of the amount made available under subsection (a), the Administrator shall allocate—
(1) $1,000,000,000 for calendar year 2012;
(2) $1,000,000,000 for calendar year 2013;
(3) $1,000,000,000 for calendar year 2014;
(4) $500,000,000 for calendar year 2015;
(5) $500,000,000 for calendar year 2016;
(6) $500,000,000 for calendar year 2017; and
(7) $500,000,000 for calendar year 2018.
(6) RESERVOIR.—

(A) IN GENERAL.—The term “reservoir” means any subsurface sedimentary stratum, formation, aquifer, or cavity or void (whether natural or artificially created) that is suitable for, or capable of being made suitable for, the injection and storage of carbon dioxide.

(B) INCLUSIONS.—The term “reservoir” includes—

(i) an oil and gas reservoir;

(ii) a saline formation or coal seam; and

(iii) the sealed and subsoil of a submarine area.

(7) STATE.—

(A) IN GENERAL.—The term “State” means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands;

(vii) the Federated States of Micronesia;

(viii) the Republic of the Marshall Islands;

(ix) the Commonwealth of the Northern Mariana Islands;

(x) the United States Virgin Islands.

(B) INCLUSIONS.—The term “State” includes all territorial water, seabed, and subsoil of each State.

(8) STATE REGULATORY AGENCY.—The term “State regulatory agency” means the agency designated by the Governor of a State to administer a carbon dioxide storage program of the State.

(9) STORAGE FACILITY.—

(A) IN GENERAL.—The term “storage facility” means—

(i) an underground reservoir, underground equipment, and surface structures and equipment used in an operation to store carbon dioxide in a reservoir; and

(ii) any other facilities that the Administrator may include by regulation or permit.

(B) EXCLUSIONS.—The term “storage facility” does not include pipelines used to transport the carbon dioxide from 1 or more capture facilities to the storage and injection site.

(10) STORAGE OPERATOR.—The term “storage operator” means any person or other entity authorized by the Administrator or State regulatory agency to operate a storage facility.

(11) UNDERGROUND RESERVOIR.—The term “underground reservoir” with respect to a storage facility, includes any necessary and reasonable area buffer and subsurface monitoring zones that are—

(A) designated by the Administrator or State regulatory agency for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide; and

(B) selected to protect against pollution, invasion, and escape or migration of the stored carbon dioxide.

(12) STATE CARBON DIOXIDE GEOLOGICAL STORAGE PROGRAMS.—

(1) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall—

(i) not later than 180 days after the date of enactment of this Act, publish in the Federal Register proposed regulations for State carbon dioxide storage programs; and

(ii) not later than 180 days after the date of publication of the proposed regulations under clause (i), promulgate final regulations that establish carbon dioxide storage programs that meet the requirements described in paragraph (2)(A), including such modifications as the Administrator determines to be appropriate.

(B) UPDATING.—The Administrator may periodically review and, as necessary, revise the regulations promulgated under this subsection.

(2) STATE REGULATORY AUTHORITY.—

(A) IN GENERAL.—The regulations promulgated under subsection (1) shall establish minimum requirements that States shall meet in order to be approved to administer a carbon dioxide storage program under subsection (1)(B) unless the Administrator determines that the requirements of subsection (1) are inappropriate for the State.

(B) IN GENERAL.—After promulgation of the regulations under subsection (b)(1)(A)(ii), each State may submit to the Administrator an application that demonstrates, to the satisfaction of the Administrator, that the State—

(i) has adopted, after providing for reasonable notice and an opportunity for public comment, and will implement, a carbon dioxide storage program that meets the requirements of the regulations; and

(ii) will keep such records and make such reports with respect to the activities of the State under the carbon dioxide storage program as the Administrator may require by regulation.

(C) EXEMPTION.—Not later than the expiration of the 270-day period beginning on the date on which any regulation promulgated under subsection (b)(1)(A)(ii) is revised or rescinded under section 7(b), States may submit to the Administrator an application for a State primary enforcement responsibility for the primary enforcement responsibility for the carbon dioxide storage program, each State with a carbon dioxide storage program approved under subparagraph (B) shall submit, in such form and manner as determined by the Administrator, a determination under paragraph (B) or (C) to the Administrator, that the State carbon dioxide storage program meets the revised or amended requirements.

(D) PUBLIC PARTICIPATION.—Before making a determination under subparagraph (B) or (C), the Administrator shall provide an opportunity for discussion, the Administrator shall by regulation approve, disapprove, or approve in part and disapprove in part, the carbon dioxide storage program proposed by the State.

(4) EFFECT OF APPROVAL.—If the Administrator approves a carbon dioxide storage program of a State under subparagraph (B), the State shall have primary enforcement responsibility for the carbon dioxide storage program in the State until such time as the Administrator determines, by regulation, that the State no longer meets the requirements of subparagraph (A).

(5) PUBLIC PARTICIPATION.—Before making a determination under subparagraph (B) or (C), the Administrator shall provide an opportunity for public comment in accordance with the requirements of this section.

(6) STATES WITHOUT PRIMARY ENFORCEMENT RESPONSIBILITY.—

(A) IN GENERAL.—If a State fails to submit an application under paragraph (1)(A)(i) by the date that is 270 days after the date of promulgation of regulations under subsection (b)(1)(A)(ii), the Administrator shall by regulation prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the terms and conditions of subsection (b)(2).

(B) DISAPPROVAL.—If the Administrator disapproves all or a portion of the program of a State under paragraph (1)(B), the Administrator shall by regulation prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the terms and conditions of subsection (b)(2).
State that meets the requirements of subsection (b)(2).

(C) APPLICABILITY.—A program prescribed by the Administrator under subparagraph (B) shall apply to any State only to the extent that a program adopted by the State that the Administrator determines meets the requirements of this section or subsection (b)(2) is not inconsistent with the program prescribed by the Administrator under subparagraph (A).

(D) PUBLIC PARTICIPATION.—Before promulgating any regulation under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the regulation.

(e) ENFORCEMENT OF PROGRAM.—

(1) NOTICE.—

(A) IN GENERAL.—In any case in which the Administrator determines, during a period during which a State has primary enforcement responsibility for carbon dioxide storage, that any person who is subject to a requirement of the carbon dioxide storage program is violating the requirement, the Administrator shall notify the State and the person violating the requirement of the violation.

(B) FAILURE TO ENFORCE.—If, after the date that is 30 days after the Administrator notifies a State of a violation under subparagraph (A), the State has not commenced appropriate enforcement action, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to—

(1) correct the matter; and

(2) comply with the requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(2) VIOLATIONS IN CERTAIN STATES.—In any case in which the Administrator determines, during a period during which a State does not have primary enforcement responsibility for carbon dioxide storage, that any person subject to any requirement of any applicable carbon dioxide storage program in the State is violating the requirement, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to comply with the requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(3) CIVIL AND CRIMINAL ACTIONS.—

(A) IN GENERAL.—The Administrator may, in connection with administrative proceedings under this paragraph, take judicial action, and impose sanctions with respect to, any person who violates any requirement of an applicable carbon dioxide storage program.

(B) AUTHORITY.; JUDGEMENT.—A court described in subparagraph (A)—

(i) shall have jurisdiction to require compliance with any requirement of an applicable carbon dioxide storage program or with any order issued under paragraph (2); and

(ii) may enter such judgment as the protection of public health and safety may require.

(C) PENALTIES.—Any person who violates any requirement of an applicable carbon dioxide storage program or any order requiring compliance under paragraph (2)—

(i) shall be subject to a civil penalty of not more than $25,000 for each day of such violations; and

(ii) if the violation is willful, may, in addition to or in lieu of the civil penalty under clause (i), be imprisoned for not more than 3 years, fined in accordance with title 18, United States Code, or both.

(D) EFFECT ON STATE AUTHORITY.—

(A) IN GENERAL.—Nothing in this subsection diminishes or otherwise affects any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) relating to the storage of carbon dioxide.

(B) OTHER REQUIREMENTS.—No law (including a regulation) described in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this subtitle.

(e) FINANCIAL ASSURANCES FOR STORAGE OPERATORS.—

(1) IN GENERAL.—Each storage operator shall be required by the State regulatory agency (in the case of a State that has primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) to have and maintain financial assurances of such type and in such amounts as are necessary to cover public liability claims relating to the storage facility of the operator.

(2) MAINTENANCE OF FINANCIAL ASSURANCES.—The financial assurances required under paragraph (1) shall be maintained by the storage operator until such time as the operator obtains a certificate of completion of injection operations under subsection (f).

(3) AMOUNT.—The amount of financial assurances required under paragraph (1) shall be the maximum amount of liability insurance available at a reasonable cost and on reasonable terms from private sources (including private insurance, private contractual indemnities, self-insurance, or a combination of those measures), as determined by the Administrator.

(f) CESSATION OF STORAGE OPERATIONS.—Upon a showing by a storage operator that a
storage facility is reasonably expected to retain mechanical integrity and remain in place, the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) shall issue a certificate of completion of injection operations to the storage operator.

(g) LIABILITY OF STORAGE OPERATORS FOR RELEASE OF CARBON DIOXIDE.—

(1) In general.—The Administrator shall agree to indemnify and hold harmless a storage operator (and if different from the storage operator, the owner of the storage facility) that has maintained financial assurances under subsection (e) from liability arising from the leakage of carbon dioxide at any storage facility operated by the storage operator, to the extent that the liability is in excess of the financial protection required of the storage operator.

(2) Completion of operations.—Upon the issuance of certificate of completion of injection operations by a State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority):

(A) the Administrator shall be vested with complete and absolute title and ownership of any injection or storage facility, including remediation of any well leakage; and

(B) the storage operator and all generators of any injected carbon dioxide shall be released from all further liability associated with the project.

(C) (i) any performance bonds posted by the storage operator shall be released; and

(ii) continued monitoring of the storage facility, including remediation of any well leakage, shall become the responsibility of the Administrator.

(h) FUNDING.—For each fiscal year, the Administrator shall collect an annual assessment from each storage operator for each storage facility that has not obtained a certificate of completion of injection operations.

(2) Assessment amount.—The amount of the assessment for a storage facility for a fiscal year shall be equal to the product obtained by multiplying—

(A) the aggregate amount of assessments calculated under paragraph (3) for the fiscal year; by

(B) the aggregate number of tons of carbon dioxide injected into a storage facility during the preceding fiscal year by all storage operators.

(3) Information.—The Administrator shall require the submission of such information by each storage operator on an annual basis as is necessary to make the calculations required under this subsection.

(i) Relationship to other laws.—

(1) In general.—The Administrator shall promulgate regulations for permitting commercial-scale underground injection of carbon dioxide for purposes of geological sequestration of carbon dioxide.

(2) Safe Drinking Water Act.—Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) shall not be used as a basis for permitting commercial-scale underground injection or storage of carbon dioxide.

Beginning on page 329, strike line 1 and all that follows through page 330, line 3.

At the end of title X, add the following:

Subtitle D—Reduced Carbon Emissions Through Clean Coal Technologies

SEC. 1031. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon dioxide emissions and to improve technology improvements to coal-fired power plants that will reduce the quantity of coal burned and carbon dioxide emitted per unit of power produced.

SEC. 1032. CLEAN COAL RESEARCH AND DEVELOPMENT.

(a) In general.—The Secretary shall expand and accelerate efforts to conduct research and develop technologies that reduce carbon dioxide emissions from coal-fired facilities with an emphasis on commercial viability and deployment.

(b) Short-, medium- and long-term technology areas.—The Secretary shall emphasize technologies that reduce carbon dioxide emissions in the short-, medium- and long-term time frames, including—

(1) innovations for existing power plants that reduce carbon dioxide emissions from flue gas, such as through the use of energy efficiency increases or by capturing carbon emissions, including technologies that—

(A) reduce the quantity of fuel combusted per unit of power produced;

(B) reduce parasitic power loss from coal power generation technology;

(C) improve compression of the separated and captured carbon dioxide;

(D) reuse or reduce water consumption and withdrawal; and

(E) capture carbon dioxide post-combustion from flue gas, such as through the use of ammonia-based, aqueous amine or ionic liquid solutions or other methods;

(2) new combustion systems, including—

(A) oxyfuel combustion that burns fuel in the presence of oxygen and recirculated flue gas instead of air producing a concentrated stream of carbon dioxide that can be readily captured for storage or use;

(B) chemical looping combustion that burns fuel in the presence of a solid oxygen carrier instead of air producing concentrated stream of carbon dioxide that can be readily captured for storage or use;

(C) high-temperature and pressure steam systems, such as ultra supercritical steam generation, that result in high net plant efficiency and reduced fuel consumption, thus producing less carbon dioxide per unit of energy;

(D) other innovative carbon dioxide control technologies appropriate for new combustion systems; and

(E) high temperature and high pressure combustion technologies in much higher plant efficiencies and carbon dioxide emission reductions;

(f) increased efficiency and economic performance of storage facilities;

(g) increased efficiency in pipeline and other transportation systems;

(h) increased efficiency of power plants at commercial scale.

SEC. 1033. CLEAN COAL DEMONSTRATION.

(a) In general.—The Secretary shall expand and accelerate the demonstration of technologies that reduce carbon dioxide emissions from coal-fired facilities by demonstrating, at a minimum—

(1) through facilities in operation as of the date of enactment of this Act—

(A) post-combustion carbon dioxide capture at pilot scale at not less than 2 facilities, the award of contracts for which shall be completed by 2010;

(B) oxycoal combustion at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) post-combustion carbon dioxide capture at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2010;

(D) heat rate and efficiency improvements at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(E) water consumption reduction at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A) and (C) at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) heat rate and efficiency improvements at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014; and

(H) water consumption reduction at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014;

(b) Authorization of appropriations.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for innovations at pilot plants in operation as of the date of enactment of this Act $450,000,000 for the period of fiscal years 2009 through 2020;

(2) for new demonstration projects $450,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $350,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $350,000,000 for the period of fiscal years 2009 through 2025;

(5) for carbon storage $400,000,000 for the period of fiscal years 2009 through 2025.

SEC. 1034. INVESTIGATIONS AND STUDIES.

(a) Authorization of appropriations.—There are authorized to be appropriated to carry out this section, to remain available until expended:

(1) for fundamental research, development, test, demonstration, and encouragement of technology $300,000,000 for the period of fiscal years 2009 through 2025;

(2) for the integration and deployment of integrated coal systems and technologies $450,000,000 for the period of fiscal years 2009 through 2025;

(3) for demonstration projects at pilot scales $450,000,000 for the period of fiscal years 2009 through 2025; and

(4) for demonstration projects at commercial scales $450,000,000 for the period of fiscal years 2009 through 2025.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, to remain available until expended:

(1) for demonstration projects at commercial scales $450,000,000 for the period of fiscal years 2009 through 2025;

(2) for demonstration projects at pilot scales $450,000,000 for the period of fiscal years 2009 through 2025.

SEC. 1035. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section, to remain available until expended:

(1) for investigations $100,000,000 for the period of fiscal years 2009 through 2025.

(2) for advances in research and development $100,000,000 for the period of fiscal years 2009 through 2025.

(3) for the integration and deployment of integrated coal systems and technologies $150,000,000 for the period of fiscal years 2009 through 2025.

(4) for demonstration projects at pilot scales $150,000,000 for the period of fiscal years 2009 through 2025.

(5) for demonstration projects at commercial scales $150,000,000 for the period of fiscal years 2009 through 2025.
technologies demonstrated under subparagraphs (A), (C), and (F) at not less than 1 facility, the award of contracts for which shall be completed by 2016; (2) to provide that the commercial operation of coal combustion facilities that include carbon capture— 
(A) oxycoal combustion at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2012; (B) post-combustion carbon dioxide capture at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2012; (C) oxycoal combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012; (D) supercritical pulverized coal combustion with advanced emission controls and partial carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012; (E) oxycoal supercritical circulating fluidized bed combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014; (F) post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012; (G) post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014; (H) ultra supercritical (1200°F) pulverized coal combustion with near-zero emission controls and 90 percent carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016; (I) oxycoal combustion with an advanced oxygen separation system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014; (J) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014; (K) oxycoal combustion with an advanced oxygen separation system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014; (L) oxygen-blown supercritical (1400°F) combustion with near-zero emission controls and 90 percent integrated carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016; (3) through IGCC with carbon capture— 
(A) partial carbon dioxide capture without a water shift system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010; (B) using G class turbine at not less than 1 facility, the award of contracts for which shall be completed by 2012; (C) using H class turbines at not less than 1 facility, the award of contracts for which shall be completed by 2014; and (D) using H class turbines at not less than 1 facility, the award of contracts for which shall be completed by 2018; (4) through advanced turbines using— 
(A) gas turbine systems for advanced IGCC gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010; (B) oxygen-blown separation of at least 2,000 tons per day in size integrated with a combustion turbine at not less than 1 facility, the award of contracts for which shall be completed by 2012; (C) an oxyfuel turbine of at least 50 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2015; (D) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine systems for advanced IGCC gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2015; and (E) an oxyfuel turbine of at least 400 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2020; and (5) for storage of carbon dioxide captured through— 
(A) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2012; (B) field tests of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2012; and (C) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2012; and 
passing the demonstration for the respective purposes of the demonstration. 
(c) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to carry out this section, to remain available until expended— 
(1) for demonstrations through facilities in operation as of the date of enactment of this Act $560,000,000 for the period of fiscal years 2009 through 2025; 
(2) for new combustion systems $1,850,000,000 for the period of fiscal years 2009 through 2025; 
(3) for IGCC systems $2,950,000,000 for the period of fiscal years 2009 through 2025; 
(4) for advanced combustion turbines $400,000,000 for the period of fiscal years 2009 through 2025; and 
(5) for carbon storage $1,350,000,000 for the period of fiscal years 2009 through 2020. 
SEC. 1034. IDENTIFICATION OF CLEAN COAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS. 
(a) IN GENERAL. The Secretary shall take such steps as are necessary to carry out this subtitle— 
(b) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this Act and every 2 years thereafter, the Secretary shall institute a public comment period of at least 45 days to assist the determination of the specific research, development, and demonstration projects required under this subtitle. 
(c) APPLICATIONS.—Not later than 120 days after the end of each public comment period required under subsection (b), the Secretary shall— 
(1) publicly identify the specific types of projects that the Secretary intends to pursue to carry out this subtitle; 
(2) establish selection criteria for the specific types of projects identified under paragraph (1); and 
(3) establish an application process that allows persons that are interested in participating in the projects described in paragraph (1) to provide such information as the Secretary determines to be necessary. 
SEC. 1041. SHORT TITLE. This subtitle may be cited as the “Energy Security and Climate Change Through Clean Coal Technology Incentives.” 
SEC. 1042. MODIFICATION OF SPECIAL RULES FOR ATMOSPHERIC POLLUTION CONTROL FACILITIES. 
(a) IN GENERAL. Subpart (d) of section 169 of the Internal Revenue Code of 1986 is amended by adding at the end the following paragraph: 
“(6) SPECIAL RULES FOR CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.—Notwithstanding paragraph (1), the term ‘pollution control facility’ includes any mechanical or electronic system which is certified by the owner or operator of the plant or other property, in such form and manner as prescribed by the Secretary, to reduce carbon dioxide emissions per net megawatt hour of electricity generation by— 
(1) optimizing combustion, 
(2) optimizing sootblowing and heat transfer, 
(3) upgrading steam temperature control capabilities, 
(4) reducing exit gas temperatures (air heater modifications), 
(5) predrying low rank coals using power plant waste heat, 
(6) modifying steam turbines or change the steam path/blading, 
(7) replacing single speed motors with variable speed drives for fans and pumps, 
(8) improving operational controls, including neural networks, or 
(ix) any other means approved by the Secretary, in consultation with the Secretary of Health and Human Services.”. 
(b) DEDUCTION NOT ADJUSTED FOR PURPOSES OF DETERMINING ALTERNATIVE MINIMUM TAX.—Paragraph (5) of section 56(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following sentence: 
“The preceding sentences of this paragraph shall not apply to any pollution control facility as defined in paragraph (d)(6).” 
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007. 
SEC. 1043. EXTENSION, AND MODIFICATION OF PRODUCTION CREDIT FOR CLOSED-LOOP BIOMASS. 
(a) IN GENERAL. Clause (ii) of section 45(d)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows: 
“(ii) owned by the taxpayer which after before January 1, 2014 is originally placed in service and modified, or is originally placed in service as a facility, to use closed-loop biomass to co-fire (or, in the case of an integrated gasification combined cycle facility, to co-combine with coal, with other biomass, or with both).”. 
(b) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity generated and sold after the date of the enactment of this Act. 
SEC. 1044. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT. 
(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45B the following new section: 
“SEC. 45C. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT. 
“(a) ALLOWANCE OF CREDIT.—
"(1) In general.—For purposes of section 46, the qualifying new clean coal power plant credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year.

<table>
<thead>
<tr>
<th>a design net heat rate below—</th>
<th>or a carbon dioxide emission rate of—</th>
<th>The applicable percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,580 Btu/kWh (45% efficiency)</td>
<td>1,577 lbs/MWh or less</td>
<td>30 percent</td>
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<tr>
<td>7,760 Btu/kWh (44% efficiency)</td>
<td>1,613 lbs/MWh or less</td>
<td>28 percent</td>
</tr>
<tr>
<td>7,940 Btu/kWh (43% efficiency)</td>
<td>1,650 lbs/MWh or less</td>
<td>26 percent</td>
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<td>8,120 Btu/kWh (42% efficiency)</td>
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<tr>
<td>8,322 Btu/kWh (41% efficiency)</td>
<td>1,731 lbs/MWh or less</td>
<td>20 percent</td>
</tr>
<tr>
<td>8,530 Btu/kWh (40% efficiency)</td>
<td>1,774 lbs/MWh or less</td>
<td>10 percent</td>
</tr>
</tbody>
</table>

"(2) Applicable percentage.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

"(a) General rule.—For purposes of section 46, the qualifying carbon dioxide equipment credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

(b) Qualified investment.—

(1) In general.—For purposes of subsection (a), the qualified investment for any taxable year is the total cost of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying new clean coal power plant.

(2) Construction, reconstruction, or ejection of which is completed by the taxpayer, or

(3) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

(4) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

(5) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48A(b)(4) shall apply for purposes of this section.

(c) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

(d) CERTIFICATION.—

(1) Certification process.—The Secretary shall establish a certification process to determine the extent to which eligible property has been installed on a qualified coal-fired electric power generating unit, and to make such other determinations as the Secretary deems appropriate. The Secretary shall prepare an application for certification.

(2) Requirements for applications for certification.—An application for certification shall contain such information as the Secretary may require in order to establish credit entitlement. Any information contained in an application shall be treated as provided in section 552(b)(4) of title 5, United States Code.

(e) CONFORMING AMENDMENTS.

(1) Section 48D of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting 

(2) Section 49(a)(1)(C) of such Code is amended by inserting the following new paragraph at the end of clause (iii), by striking the period at the end of clause (iv) and inserting 

(3) The table of sections for part IV of subpart C of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

"(4) SEC. 48C. Qualifying new clean coal power plant credit.

(5) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, and before the end of the current taxable year, as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990.

SEC. 1045. INVESTMENT CREDIT AVAILABLE TO QUALIFYING NEW CLEAN COAL POWER PLANT PROGRAM.

(a) In general.—Section 48B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

"Sec. 48D. Equipment used to capture, transport, store carbon dioxide, and power plant program.

(a) General rule.—For purposes of section 48, the qualifying carbon dioxide equipment credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

(b) Certified investment.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year.

(c) Definitions.—For purposes of this section:

(1) Eligible property.—The term 'eligible property' means property installed on a qualified coal-fired electric power generating unit to capture, transport, and store carbon dioxide produced at such generating unit, including equipment to separate and pressurize carbon dioxide for transport (including hardware to operate such equipment) and equipment to transport, inject, and monitor such carbon dioxide.

(2) Applicable percentage.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

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</tbody>
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SEC. 1046. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION IN THE GENERATION OF ELECTRICITY.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

SEC. 45C. CREDIT SEQUESTRING CARBON DIOXIDE IN THE GENERATION OF ELECTRICITY.

(a) General Rule.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

(1) $30 per metric ton of qualified carbon dioxide which is—

(A) captured by the taxpayer at a qualified facility during the credit period, and

(B) disposed of by the taxpayer in secure geological storage;

(2) $10 per metric ton of qualified carbon dioxide which is—

(A) captured by the taxpayer at a qualified facility during the credit period, and

(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project;

(b) Qualified Facility.—For purposes of this section:

(1) in general.—The term ‘qualified facility’ means an industrial facility—

(A) which is owned by the taxpayer,

(B) at which carbon capture equipment is placed in service,

(C) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year, and

(D) which is certified by the Secretary under paragraph (2).

(2) Certification.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a program under which facilities which use coal for the generation of electricity are certified for purposes of this section.

(B) LIMITATION.—The total aggregate generating capacity of all facilities certified by the Secretary under this paragraph shall not exceed 9,000 megawatts.

(c) Qualified Carbon Dioxide.—For purposes of this section:

(1) IN GENERAL.—The term ‘qualified carbon dioxide’ means carbon dioxide captured from an industrial source which—

(A) would otherwise be released into the atmosphere by industrial emissions of greenhouse gas, and

(B) is measured at the source of capture and verified at the point of disposal or injection.

(2) Recycled Carbon Dioxide.—The term ‘qualified carbon dioxide’ includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, re-cycled, and re-injected as part of the enhanced oil and natural gas recovery process.

(d) EFFECTIVE DATE.—The amendments made by this section apply to carbon dioxide captured after the date of the enactment of this Act.

SEC. 1047. CLEAN ENERGY COAL BONDS.

(a) In General.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to qualified tax credit bonds) is amended by adding at the end the following new section:

SEC. 45Q. CREDIT FOR SEQUESTRING CARBON DIOXIDE IN THE GENERATION OF ELECTRICITY.

(a) IN GENERAL.—The term ‘tertiary injectant’ means any industrial facility which use coal for the generation of electricity.

(b) LIMITATION.—This credit shall apply to any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

(c) REIMBURSEMENT.—For purposes of this section, the term ‘qualified carbon dioxide’ has the same meaning as in section 43(c)(2), by substituting ‘crude oil or natural gas’ for ‘crude oil’ in subparagraph (A)(1) thereof.

(d) EFFECTIVE DATE.—The amendments made by this section apply to carbon dioxide captured after the date of the enactment of this Act.
clean energy bond the available project proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the issuance of such proceeds to a qualified borrower; and

"(C) such projects will be completed with due diligence and the available project proceeds of which are to be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(d) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section:

"(1) COOPERATIVE ELECTRIC COMPANY.—The term ‘cooperative electric company’ means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

"(2) CLEAN ENERGY BOND.—The term ‘clean energy bond’ means a bond which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender;

"(3) PUBLIC POWER ENTITY.—The term ‘public power entity’ means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).

"(4) QUALIFIED ISSUER.—The term ‘qualified issuer’ means—

"(A) a clean energy bond lender;

"(B) a cooperative electric company; or

"(C) a public power entity.

"(5) QUALIFIED BORROWER.—The term ‘qualified borrower’ means—

"(A) a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C),

"(B) a public power entity,

"(e) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond shall be held to be any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED CLEAN COAL PROJECT.—For purposes of this section, the term ‘qualified clean coal project’ means—

"(A) an atmospheric pollution control facility (within the meaning of section 45(d)(2));

"(B) a closed-loop biomass facility (within the meaning of section 45(d)(2));

"(C) a qualified new clean coal power plant (within the meaning of section 45(c)(1)); and

"(D) qualifying carbon dioxide equipment described in section 48(d)(1); or

"(E) a qualified facility (within the meaning of section 45(c)(6));

"(2) POOLED FINANCING BOND.—The term ‘pooled financing bond’ shall have the meaning given such term by section 45(a)(1).

"(g) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.

(b) CONFORMING AMENDMENTS.

"(1) Paragraph (1) of section 54A(d)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term ‘qualified tax credit bond’ means—

"(A) a qualified forestry conservation bond,

"(B) a clean energy coal bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) Paragraph (C) of section 54A(d)(2) of such Code is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term ‘qualified purpose’ means—

"(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(b), and

"(ii) in the case of a clean energy coal bond, a purpose specified in section 54C(f)(1).

"(c) CLERICAL AMENDMENT.—The table of sections for section 101 of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 54C. Clean energy coal bonds."

"(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2008.

SA 4595. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1771. REQUIREMENT OF ELECTRIC UTILITIES.

†

(a) FINDINGS.—Congress finds that—

(1) this Act will increase the cost of electricity paid by consumers; and

(2) consumers have not know the additional amounts that this Act contributes to the electric utility bills of the consumers.

(b) REQUIREMENT.—Any electric utility that includes an increase in the amount of the electric utility bill of a consumer of the electric utility resulting from the implementation of this Act shall include in the electric utility bill of the consumer a clear and concise description of each factor that resulted in the increase of the amount.

SA 4598. Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1308. CERTIFICATION OF INTERNATIONAL AGREEMENTS.

(a) COMPOSITION.—The board established by section 436 (referred to in this section as the ‘‘board’’) shall be composed of—

(1) the Director of the Office of Science and Technology Policy, who shall serve as chairperson of the board;

(2) the Secretary of Agriculture;

(3) the Secretary of Commerce;

(4) the Secretary of Energy; and

(5) the Administrator.

(b) ASSESSMENT; CERTIFICATION.—

(1) ASSESSMENT.—As soon as practicable after the date of enactment of this Act, and not less frequently than once every 2 years thereafter, the board shall assess, based on the best available technology in the electric power, industrial, and transportation sectors—

(A) the extent to which technology is available to achieve the emission reductions required by this Act, including an assessment of technologies lagging in development, widespread commercial deployment, or both;

(B) the extent to which technology is cost-effective in achieving the reductions required by this Act; and

(C) the impact of the use of technology on the public health and the environment;
(D) the impact of the use of technology on the energy security of the United States; and
(E) the impact of the use of the technology to achieve emission reductions on job cre-
ation, the supply and demand of agricultural commodities, and rural economic develop-
ment.
(2) REPORT AND CERTIFICATION.—On completion of each assessment under paragraph (1), the board shall submit to Congress—
(A) a report describing the results of the assessment; and
(B) an applicable, a certification that the technology necessary to reduce emissions in accordance with the requirements of this Act is available, cost-effective, and environ-
mental program for the electric power, industrial, and transportation sectors.
(3) EFFECT ON EMISSION LIMITATIONS.—
(A) INITIAL PERIOD.—No emission limita-
tion established by this Act shall apply until such date as the board submits the initial certification required under paragraph (2)(B).
(B) SUBSEQUENT PERIODS.—No adjustment to an emission limitation required by this Act shall apply until such date as the board submits the certification required under paragraph (2)(B) for the period during which the adjustment is to occur.
(c) NATIONAL RESEARCH COUNCIL REPORTS.—The board may request from the Na-
tional Research Council such reports as the board determines to be necessary and appro-
riate to assist the board in carrying out this subtitle.

SA 4960. Mr. VITTER (for himself and Mr. CRAIG) submitted an amend-
ment intended to be proposed by him to the bill S. 3036, to direct the Admin-
istrator of the Environment Protection Agency to submit to the Congress a program to de-
crease emissions of greenhouse gases, and for other purposes; which was or-
dered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—ENERGY NEEDED OFFSHORE UNDER GAS HIKES

SEC. 1801. DEFINITIONS.
In this title:
(1) ELIGIBLE PRODUCING STATE.—The term "eligible producing State" means—
(A) a new producing State; and
(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.
(2) NEW PRODUCING AREA.—The term "new producing area" means an area that is—
(A) within the offshore administrative boundaries beyond the submerged land of a State; and
(B) not available for oil or natural gas leasing as of the date of enactment of this Act.
(3) NEW PRODUCING STATE.—The term "new producing State" means a State with respect to which a petition is approved by the Secretary to allow natural gas leasing only.
(4) QUALIFIED REVENUES.—The term "quali-
fied revenues" means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas leasing, or both.
(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1802. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.
(a) DETERMINATION BY SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Sec-
retary shall determine whether, as a result of the requirements of this Act, the national average residential natural gas price has in-
creased during the period beginning on the date of enactment of this Act and ending on the date on which the determination is made.
(b) PETITION FOR LEASING NEW PRODUCING AREAS.—
(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary de-
termines that an increase in the national av-

erage residential natural gas price has oc-
curred, the Governor of a State, with the con-
currence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new produc-
ing area of the State eligible for natural gas leasing in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).
(2) ACTION BY SECRETARY.—As soon as prac-
ticable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the pet-
tition.
(c) DISPOSITION OF QUALIFIED OUTER CONTI-

tINENTAL SHELF LEASES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding sec-

section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall de-
posit—
1) 25 percent of qualified revenues in the general fund of the Treasury; and
2) 75 percent of qualified revenues in a spe-
cial account in the Treasury, from which the Secretary shall disburse—
(A) 37.5 percent to eligible producing States for new producing areas, to be allo-
cated in accordance with subsection (c)(1);
(B) 12.5 percent to provide financial assist-
tance to States with respect to the National Cancer Institute’s efforts to promote disease prevention and cancer control; and
(C) 5 percent to small business develop-
moment centers to provide—
(i) technical assistance to small businesses relating to beginning operation; or
(ii) ongoing counseling;
(D) 5 percent to states for historic off-
shore production distribution; and
(E) 5 percent of qualified revenues to the Highway Trust Fund.

SA 4961. Mr. VITTER (for himself and Mr. CRAIG, and Mr. VOINOVICH) sub-
mitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Envi-
ronmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other pur-
poses; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—ENERGY NEEDED OFFSHORE UNDER GAS HIKES

SEC. 1801. DEFINITIONS.
In this title:
(1) ELIGIBLE PRODUCING STATE.—The term "eligible producing State" means—
(A) a new producing State; and
(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.
(2) NEW PRODUCING AREA.—The term "new produc-
ing area" means an area that is—
(A) within the offshore administrative boundaries beyond the submerged land of a State; and
(B) not available for oil or natural gas leasing as of the date of enactment of this Act.
(3) NEW PRODUCING STATE.—The term "new produc-
ing State" means a State with respect to which a petition is approved by the Secretary to allow natural gas leasing only.
(4) QUALIFIED REVENUES.—The term "quali-
ified revenues" means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.
(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1802. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.
(a) DETERMINATION BY SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Sec-
retary shall determine whether, as a result of the requirements of this Act, the national average residential natural gas price has in-
creased during the period beginning on the date of enactment of this Act and ending on the date on which the determination is made.
(b) PETITION FOR LEASING NEW PRODUCING AREAS.—
(1) IN GENERAL.—Notwithstanding any other provision of law, the Sec-
retary determines that an increase in the national av-
erage residential natural gas price has oc-
curred, the Governor of a State, with the con-
currence of the State legislature, may submit to the Secretary a petition request-
ing that the Secretary make a new produc-
ing area of the State eligible for natural gas leasing in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).
(2) ACTION BY SECRETARY.—As soon as prac-
ticable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the pet-
tition.
(c) DISPOSITION OF QUALIFIED OUTER CONTI-

tINENTAL SHELF LEASES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding sec-

section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall de-
posit—
1) 25 percent of qualified revenues in the general fund of the Treasury; and
(2) 75 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—
   (A) 37.5 percent to eligible producing States in areas under lease, to be allocated in accordance with subsection (d)(1);
   (B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Oil and Conservation Fund Act of 1965 (16 U.S.C. 460-4); and
   (C) 5 percent to small business development centers to provide—
      (i) technical assistance to small businesses relating to beginning operation; or
      (ii) ongoing counseling;
   (D) 5 percent to carry out programs under the Army Corps of Engineers and Coast Guard Act of 1965 (42 U.S.C. 1661 et seq.);
   (E) 5 percent to provide assistance under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460h et seq.);
   (F) 2.5 percent to provide assistance under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.);
   (G) 2.5 percent to States for historic offshore port facilities; and
   (H) 5 percent of qualified revenues to the Highway Trust Fund.

(d) Allocation to Eligible Producing States.
   (1) In General.—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts determined by the Secretary to be consistent with the provisions of section 1404 of this Act, that are inversely proportional to the total onshore acres under lease by the Secretary.
   (2) Usual Amounts Allocated. —Amounts allocated to an eligible producing State under paragraph (1) shall be used to address the impacts of any oil and natural gas exploration and production activities under this title.

(e) Effect.—Nothing in this title affects—
   (1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5); or
   (2) any authority that permits energy production under any other provision of law.

SA 4962. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Protection From Job Loss

SEC. 591. PROTECTION FROM JOB LOSS.
   (a) In General.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall submit to the Administrator and Congress a report describing whether more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be displaced during the following calendar year as a result of the implementation of this Act, the Administrator, in consultation with the Secretary of Labor, shall increase the quantity of emission allowances provided under this Act for that calendar year, as the Secretary of Labor determines to be appropriate, in amounts to ensure that more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be so displaced.

SA 4963. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 1 and all that follows through page 16, line 16.

Beginning on page 17, strike lines 4 through 23.

Beginning on page 26, strike line 3 and all that follows through page 29, line 4.

Beginning on page 29, strike line 8 and all that follows through page 30, line 19.

Beginning on page 31, strike lines 5 through 18.

Beginning on page 33, strike lines 4 through 8.

Beginning on page 33, strike lines 1 through 5.

Beginning on page 34, strike lines 7 through 7.

Beginning on page 36, strike line 3 and all that follows through the end.

SA 4964. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XI, add the following:

SEC. 1404. DISBURSEMENTS FROM FUND.
   Except as provided in section 1771, no disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

At the end of title XVII, add the following:

Subtitle H—Green Energy Production

SEC. 1771. SHORT TITLE.
   This title may be cited as the ‘‘Green Energy Production Act of 2008’’.

SEC. 1772. DEFINITIONS.
   In this title:
   (1) Biomass.—The term ‘‘biomass’’ has the meaning given ‘‘biomass’’ in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).
SEC. 1773. ESTABLISHMENT OF PROGRAM.
The Secretary shall establish a green technology investment program to develop high-tech green research capabilities, promote green innovation and green energy investment, and assist small and medium-sized businesses with funding to acquire, renovate, or construct facilities or purchase of equipment for (A) research programs; (B) technology development; (C) product development; and (D) commercialization programs.

SEC. 1774. GREEN TECHNOLOGY INVESTMENT CORPORATION.
(a) Establishment.—There is established in the Department of Energy a corporation to be known as the “Green Technology Investment Corporation”.
(b) Mission.—The Corporation shall meet at least 4 times during each fiscal year.
(c) RULES FOR CORPORATION BUSINESS.—Not later than 1 year after the date of enactment of this Act, the Corporation shall establish rules for the conduct of business of the Corporation.

SEC. 1775. GREEN TECHNOLOGY INVESTMENT FUND.
(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Green Technology Investment Fund” (referred to in this section as the “Fund”), to consist of such amounts as are appropriated to the Fund under section 1780.

SEC. 1776. COMPONENT PROGRAMS.
(a) GREEN DEVELOPMENT LOANS.—The Corporation shall establish and carry out a loan program to carry out the purposes described in section 1773 (including conducting, or providing for the conduct of, scientific or technological inquiry and experimentation in the physical sciences).
(b) MARKETS PROGRAM.—The Corporation shall establish and carry out a grant program—(1) to assist entities, including entities that are not eligible for small business innovative research funding, to receive grants to commercialize green energy products; and
(2) to assist small and medium-sized businesses with funding to acquire, renovate, or construct facilities or purchase of equipment for (A) research programs; (B) technology development; (C) product development; and (D) commercialization programs.

SEC. 1777. GREEN ENERGY MANUFACTURING LOANS.—The Corporation shall establish a program to encourage financial institutions approved by the Corporation to make loans to businesses that are having difficulty obtaining business loans through conventional underwriting standards.

SEC. 1778. GREEN ENERGY COMMUNITY PILOT PROGRAM.
(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Green Energy Community Investment Fund” (referred to in this section as the “Fund”), to consist of such amounts as are appropriated to the Fund under section 1780.
(b) EXPENDITURES FROM FUND.—(1) In general.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury will transfer from the Fund to the Corporation such amounts as the Corporation determines are necessary to provide grants, loans, and other assistance, and otherwise carry out programs, under this subtitle (other than section 1780).
(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this subtitle.

SEC. 1779. GREEN ENERGY MANUFACTURING LOANS.—The Corporation shall establish a program to encourage financial institutions approved by the Corporation to make loans to businesses that are having difficulty obtaining business loans through conventional underwriting standards.
designated under this subsection for a term of 10 years.

(b) Renewal.—Grants made to a green energy community under this subsection may be renewed for additional 10-year terms if the community continues to meet the eligibility requirements of paragraph (2).

(c) Eligible Applicants.—The Corporation may provide a grant, loan, or other assistance under this title to—

(1) a local government, a local government agency, or other nonprofit organization; or

(2) a municipality, local government, community, or institution of higher education (including a technical educational institution) and

(3) a private, for-profit entity, with the unanimous approval by the Board of Directors of the Corporation.

(d) Funds Allocated.—The Corporation shall determine the maximum and minimum amount provided for each program and program recipient under this title in order to meet the purposes of this subtitle.

(e) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall submit to Congress a report that describes all activities of the Corporation carried out using funds made available under this subtitle, including for the year covered by the report, a description of—

(1) each grant, loan, or other award of assistance provided under this subtitle; and

(2) the reason for each grant, loan, or other award.

SEC. 1778. ENERGY EFFICIENCY GRANTS.

(a) In General.—The Secretary shall establish an energy efficiency grant program under which the Secretary shall provide grants to eligible recipients, on a dollar-for-dollar matching basis, for implementing conservation programs that are designed to reduce consumer use of energy over programs that are designed to reduce the consumer use of energy.

(b) Eligible Recipients.—Recipients that are eligible to receive grants under this section include—

(1) public entities; and

(2) nongovernmental organizations.

(c) Eligible Recipients.—The Corporation may provide a grant, loan, or other assistance under this subtitle to—

(1) a political subdivision or nonprofit economic development organization;

(2) a municipality, local government, community, or institution of higher education (including a technical educational institution) and

(3) a private, for-profit entity, with the unanimous approval by the Board of Directors of the Corporation.

(d) Appropriations.—The Corporation shall allocate grants, and provide minimum and maximum amounts for programs that are designed to reduce consumer use of energy.

(e) Authorization of Appropriations.—This title is authorized to be appropriated to carry out this section.

SEC. 1779. ADMINISTRATION.

(a) Project Application.—In making grants under this section, the Secretary shall allocate grants, and provide minimum and maximum amounts for programs that are designed to reduce consumer use of energy, to the extent provided by law.

(b) Authorization of Appropriations.—This title is authorized to be appropriated to carry out this section.

SEC. 1780. AUTHORIZATION OF APPROPRIATIONS.

Of amounts deposited in the Deficit Reduction Fund under section 1463, the Secretary may use amounts in the Fund to carry out this title (other than section 1778), to remain available until expended—

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

(2) $5,000,000,000 for fiscal year 2010; and

(3) $10,000,000,000 for each of fiscal years 2011 through 2013.

SA 4966. Mr. BROWN (for himself, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3096, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

(A) the eligibility of students, educators, and businesses to participate in the program; and

(B) application contents and procedures.

(1) ENERGY EFFICIENCY TECHNOLOGY APPRENTICESHIP PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a pilot program under which the Corporation shall provide grants to 5 States for the purpose of establishing a green energy technology internship program, including requirements relating to—

(2) GOAL.—As a goal for the green energy technology apprenticeship program, the Corporation shall, to the maximum extent practicable, provide reimbursement for not more than the higher of 50 percent or $5,000 of the wages paid to a participating apprentice, if the business paired with the apprentice agrees to make every effort to offer full-time employment to the apprentice on the completion of the apprenticeship.

(3) Requirements.—The Corporation shall establish requirements for participation in the green energy technology apprenticeship program, including requirements relating to—

(A) the eligibility of apprentices, organized labor, trades, and businesses to participate in the program;

(B) partnerships with organized labor apprenticeship programs; and

(C) application contents and procedures.

SEC. 1777. CRITERIA FOR PROVISION OF GRANTS, LOANS, AND OTHER ASSISTANCE.

(a) Eligible Projects.—The Corporation shall provide grants, loans, and other assistance in accordance with the programs under section 1776 for projects that, as determined by the Corporation—

(1) offer the best technology, research, and commercialization for the United States;

(2) permit anticipation and action on market opportunities; and

(3) create economic opportunity for target areas.

(b) Municipal Power Organizations.—The Corporation shall give priority to projects that are designed to reduce consumer end-use of energy over programs that are designed to reduce the consumer use of energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—This title is authorized to be appropriated to carry out this section.
Beginning on page 183, strike line 15 and all that follows through page 184, line 1, and insert the following:

(b) QUANTITIES OF EMISSION ALLOWANCES Allocated. The quantity of emissions allowances allocated pursuant to subsection (a) shall be represented by the following percentages:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Percentage for distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2021</td>
<td>15</td>
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<tr>
<td>2022</td>
<td>15</td>
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<td>2030</td>
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</table>

(c) CONDITIONAL PHASE-OUT.

(1) IN GENERAL.—If the President determines that, as a result of international global warming agreements, the problem of diversifying the system under paragraph (1), to fully reflect year-to-year changes in aggregate production levels, the Administrator, by regulation, shall provide for an adjustment factor for allocations to individual facilities under subsection (e) equal to the product obtained by multiplying—

(i) the quantity of emission allowances that would otherwise be allocated to an individual facility under subsection (e); and

(ii) the ratio that—

(I) the output from the individual facility during the calendar year immediately preceding the year of the distribution; bears to (II) the average output from all individual facilities during the 3-calendar year period ending on the date of enactment of this Act.

(2) ACTION BY ADMINISTRATOR.—On receipt of a notification under paragraph (1), the Administrator, by regulation, shall—

(A) reduce the quantity of emission allowances provided under this subtitle sufficient to reflect the reduced competitive harm caused to energy-intensive manufactures as a result of this Act; or

(B) if the President determines that the competitive disadvantage of United States manufacturers in domestic or international markets as a result of this Act, the President shall provide to the Administrator a notification of the determination.

(2) ACTION BY ADMINISTRATOR.—On receipt of a notification under paragraph (1), the Administrator, by regulation, shall—

(A) reduce the quantity of emission allowances provided under this subtitle sufficient to reflect the reduced competitive harm caused to energy-intensive manufactures as a result of this Act; or

(B) if the President determines that the competitive disadvantage of United States manufacturers in domestic or international markets as a result of this Act, the President shall provide to the Administrator a notification of the determination.

(2) ACTION BY ADMINISTRATOR.—On receipt of a notification under paragraph (1), the Administrator, by regulation, shall—

(A) reduce the quantity of emission allowances provided under this subtitle sufficient to reflect the reduced competitive harm caused to energy-intensive manufactures as a result of this Act; or

(B) if the President determines that the competitive disadvantage of United States manufacturers in domestic or international markets as a result of this Act, the President shall provide to the Administrator a notification of the determination.

SEC. 542. DISTRIBUTION.

On page 185, strike line 18 and insert the following:

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the

On page 185, after line 24, insert the following:

(2) REQUIREMENTS.—

(1) ASSESSMENT OF COSTS.—In establishing the system under paragraph (1), the Administrator shall take into consideration all categories of cost increases resulting from the implementation of this Act, including—

(i) cost increases relating to direct emissions (including process emissions) and indirect emissions; and

(ii) any increase in the cost of natural gas or any other relatively carbon-efficient fuel as a result of fuel substitution and related effects.

(2) CATEGORIES OF CURRENTLY OPERATING FACILITIES.—For purposes of subsection (d), the Administrator shall establish, by regulation, appropriate categories of currently operating facilities, including reasonable industry subsectors within a category, as the Administrator determines to be necessary to avoid inequitable distributions, taking into account the presence of currently operating facilities that—

(i) qualify as energy-intensive facilities; but

(ii) are affiliated with entities with substantially different emission or energy-consumption profiles.

(c) ALLOCATIONS TO INDIVIDUAL FACILITIES.—In establishing the system under paragraph (1), to fully reflect year-to-year changes in aggregate production levels, the Administrator shall provide for an adjustment factor for allocations to individual facilities under subsection (e) equal to the product obtained by multiplying—

(i) the quantity of emission allowances that would otherwise be allocated to an individual facility under subsection (e); and

(ii) the ratio that—

(I) the output from the individual facility during the calendar year immediately preceding the year of the distribution; bears to (II) the average output from all individual facilities during the 3-calendar year period ending on the date of enactment of this Act.

(d) MAXIMUM QUANTITY.—In establishing the system under paragraph (1), the Administrator shall—

(1) ensure that the total quantity of emission allowances allocated to all facilities under this section for a calendar year does not exceed a quantity sufficient to offset the increases in costs of the facilities resulting from the implementation of this Act; and

(2) if the Administrator determines that, for any calendar year, the total quantity of emission allowances allocated to all facilities under this section is less than or greater than the quantity described in clause (i), adjust allocations for subsequent calendar years appropriately, in accordance with procedures to be established by the Administrator.

Beginning on page 188, strike line 9 and all that follows through page 189, line 3, and insert the following:

(1) TRANSITION TO INTENSITY-BASED ALLOCATIONS.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish, by regulation, a revised method of allocating emission allowances under this subtitle to carbon-intensive industries, in accordance with this subsection, based on benchmarks for the emission efficiency or energy efficiency of each manufacturing process used in an industry of a facility that receives emission allowances under this subtitle.

(2) PHASE-IN SCHEDULE.—The revised method established under paragraph (1) shall—

(A) be implemented for calendar year 2017; and

(B) be phased into use uniformly and appropriately to ensure that the revised method is fully in effect for calendar year 2030.

(3) TOTAL QUANTITY OF ALLOWANCES.—The total quantity of emission allowances to be distributed for each calendar year shall be the quantity determined in accordance with section 541(b).

(4) MANUFACTURING PROCESSES.—

(A) IDENTIFICATION OF PROCESSES.—The Administrator, in consultation with affected industries, shall identify, by regulation, each manufacturing process that will be subject to the revised method established under this subsection, including by examining and categorizing existing manufacturing processes used by the affected industries.

(B) EXEMPTION.—The Administrator shall exempt from identification under subparagraph (A) any process that—

(i) qualifies as a facility; or

(ii) results in relatively small total production.

(5) BENCHMARKS.—The Administrator shall establish benchmarks for emission efficiency and energy efficiency for purposes of this subsection—

(A) based on the average efficiency of all facilities in the United States in using a manufacturing process, such that, on a graduated basis—

Beginning on page 218, strike line 4 and all that follows through page 219, line 9, and insert the following:

(1) MANUFACTURING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each calendar year % of the quantity of emission allowances shall
be distributed among the States based on the proportion that—

(i) the average annual per-capita employment in manufacturing in a State during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor; bears to

(ii) the average annual per-capita employment in manufacturing in all States during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor.

(B) EXCEPTION.—

(i) DEFINITION OF QUALIFYING STATE.—In this subparagraph, the term “qualifying State” means a State in which the ratio that the manufacturing-related gross State product bears to the total gross State product exceeds 0.15.

(ii) ALLOCATION TO QUALIFYING STATES.—Notwithstanding subparagraph (A), the emission allowances available for allocation to a qualifying State under subsection (a) for a calendar year shall be a quantity equal to the product obtained by multiplying—

(I) the annual per-capital employment in manufacturing in the qualifying State during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor; and

(II) 2.

(2) COAL.—For each calendar year, ½ of the quantity

Strike the table that appears on page 241, after line 21, and insert the following:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1</td>
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<tr>
<td>2013</td>
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<td>2050</td>
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</tbody>
</table>

At the end of title V, add the following:

Subtitle J—Economic Diversification

SEC. 591. ECONOMIC DIVERSIFICATION INITIATIVE.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the “Economic Diversification Fund”:

(b) AUCTIONS.

(1) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Economic Diversification Fund.

(2) NUMERICAL FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall:

(A) conduct no fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 30 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(3) DEPOSIT OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this subsection in the Economic Diversification Fund, immediately on receipt of the proceeds.

(c) TRANSFER.—On request of the Secretary of Energy, the Secretary of the Treasury shall transfer to the Secretary of Energy such amounts in the Economic Diversification Fund as are necessary to carry out subsection (d).

(d) USE OF FUNDS.—The Secretary of Energy, acting through the Office of Fossil Energy, shall use amounts in the Economic Diversification Fund to establish a program to decrease greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage for auction for Deficit Reduction Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>8.5</td>
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<td>2022</td>
<td>7.75</td>
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</table>

This section may be waived or suspended in the Senate only by an affirmative vote of 2/3 of the Members, duly chosen and sworn. An affirmative vote of 2/3 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) PROHIBITION ON EARMARKS.

(1) IN GENERAL.—It shall be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term “earmark” means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of 2/3 of the Members, duly chosen and sworn. An affirmative vote of 2/3 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) PROHIBITION ON EXTRA LEGISLATIVE EARMARKS.—None of the funds provided or made available by this Act shall be committed, obligated, or expended at the request of Members of Congress or their staff through oral or written communication for projects, programs, or activities, or targeted to a specific State, locality or Congressional district, other than through a
statutory or administrative formula-driven or competitive award process.

SA 4970. Mr. DeMINT (for himself, Mr. F 2018, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. NONAPPLICABILITY.

(a) In GENERAL.—Notwithstanding any other provisions of this Act, during the period beginning on the date on which the Administrator makes a determination described in subsection (b) and ending on the date described in subsection (c), the number of emission allowances established by the Administrator for a calendar year shall be not less than the number of emission allowances established by subsection (2) for the calendar year in which the determination is made.

(b) DESCRIPTION OF DETERMINATION.—A determination referred to in subsection (a) is a determination that, during an applicable calendar year, new nuclear power plants in the United States have commenced operation with a cumulative capacity equal to less than the applicable cumulative capacity (expressed in gigawatts electric) specified in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Gigawatts electricity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>3</td>
</tr>
<tr>
<td>2017</td>
<td>6</td>
</tr>
<tr>
<td>2018</td>
<td>8</td>
</tr>
<tr>
<td>2019</td>
<td>12</td>
</tr>
<tr>
<td>2020</td>
<td>15</td>
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<td>2021</td>
<td>18</td>
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<td>2022</td>
<td>21</td>
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<td>36</td>
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<td>2028</td>
<td>39</td>
</tr>
<tr>
<td>2029</td>
<td>42</td>
</tr>
<tr>
<td>2030</td>
<td>45</td>
</tr>
</tbody>
</table>

(c) ENDING DATE.—The ending date referred to in subsection (a) is the date on which the Administrator determines that a sufficient quantity of new nuclear power plants have commenced operation to ensure a cumulative capacity equal to or greater than the cumulative capacity specified for the applicable calendar year under subsection (b).

(d) BIMONTHLY REPORTS.—During the period described in subsection (a), the Administrator shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Energy and Commerce of the House of Representatives bimonthly reports containing—

1. The projected date on which a sufficient quantity of new nuclear power plants will commence operation to ensure a cumulative capacity equal to or greater than the cumulative capacity specified for the applicable calendar year under subsection (b); and

2. Recommendations of the Administrator, if any, regarding measures to achieve the cumulative capacity described in paragraph (1).

SA 4971. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Admin-
istrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

Subtitle H—Effective Date

SEC. 1771. EFFECTIVE DATE.

This Act and the amendments made by this Act shall not take effect until the President certifies to Congress that the Governments of China and India have enacted mandates on the emissions of greenhouse gases that are comparable to the mandates contained in this Act.

SA 4972. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Insert where appropriate the following:

TITLE — PROHIBITION ON EARMARKS

SEC. 81. PROHIBITION ON EARMARKS.

(a) In GENERAL.—It shall not be in order to consider a bill, joint resolution, amendment, conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term ‘‘earmark’’ means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives, or a conference report that proposes an earmark of funds provided or made available by this Act.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of 3⁄5 of the Members, duly chosen and sworn. An affirmative vote of 2⁄3 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVII, add the following:

SEC. 1724. AGRICULTURAL PRODUCTION COSTS STUDY.

(a) In GENERAL.—Not later than January 1 and July 1 of each year, beginning on January 1, 2010, the Secretary of Agriculture shall submit to the Administrator a report on the effects of this Act on the commodity cost of agricultural production.

(b) REQUIREMENTS.—The report shall include, at a minimum—

1. The impact of natural gas prices on the cost and production of nitrogen-based fertilizer;

2. The impact of natural gas prices on other agricultural uses of natural gas;

3. The impact of energy prices on the operation of irrigation pumps, livestock confinement, grain drying, and other agricultural activities; and

4. A recommendation.—Based on the severity of the effects described in the report, the Secretary shall make a recommendation as to whether the Administrator should waive any or all of the requirements of this Act as the requirements apply to agricultural activity or producers of agricultural supplies.

(d) ACTION BY ADMINISTRATION.—(1) In GENERAL.—After reviewing a report submitted under this section, the Administrator may waive for a 1-year period any or all of the requirements of this Act as the requirements apply to agricultural activity or producers of agricultural supplies if the effects described in the report justify the waiver in the determination of the Administrator.

(2) PUBLICATION.—The Administrator shall—

A. publish any determination under paragraph (1) as an interim final action in the Federal Register; and

B. provide at least 30 days for public comment prior to the determination becoming final agency action.

(c) EXTENSION.—(A) IN GENERAL.—At any time, subject to paragraph (B) and based on the effects described in a subsequent report issued under this section, the Administrator may extend the duration of a waiver under paragraph (1).

(B) LIMITATION.—The length of each extension under this paragraph may not exceed 1 year.

SA 4974. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The following provisions of this bill shall have no force and effect:

Beginning on page 9, line 1 and all that follows through page 16, line 16.

Beginning on page 17, lines 4 through 23.

Beginning on page 20, lines 1 through 4 and all that follows through page 19, line 7.

Beginning on page 19, lines 11 through 16.

Beginning on page 21, lines 21 and all that follows through page 24, line 25.

Beginning on page 23, line 12 and all that follows through page 26, line 16.

Beginning on page 27, lines 1 through 23.

Beginning on page 28, line 3 and all that follows through page 29, line 4.

Beginning on page 29, line 8 and all that follows through page 30, line 19.

Beginning on page 31, lines 5 through 18.

Beginning on page 38, lines 14 through 18.

Beginning on page 41, lines 4 through 8.

Beginning on page 43, lines 1 through 5.

Beginning on page 52, lines 3 through 7.

Beginning on page 53, line 8 and all that follows through the end.
NOTICES OF HEARINGS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 12, 2008, at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the relationship between U.S. renewable fuels policy and food prices. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley or Rosemarie Calabro.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley or Rosemarie Calabro.

AUTHORITY FOR COMMITTEES TO MEET
SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 5, 2008, at 2:30 p.m. to hold a closed hearing. The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Matt Smith, an intern on the staff of the Finance Committee, and Bruce Ferguson, a fellow in my Senate office, be allowed floor privileges during the debate on the climate change bill. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I ask unanimous consent that Deborah Glickson, a fellow in my office, be allowed floor privileges during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. I ask unanimous consent that Ellen Butler and Raj Borsellino of my staff be granted the privilege of the floor during today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING REQUIRING A LICENSE FOR SALVAGING ON THE COAST OF FLORIDA

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 2482. The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 2482) to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

There being no objection, the Senate proceeded to consider the measure.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the bill be read for a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2482) was ordered to a third reading, was read the third time and passed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 311, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title. The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 311) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 311) was agreed to.

CONGRATULATING THE ARIZONA STATE UNIVERSITY WOMEN’S SOFTBALL TEAM

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 586, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida:

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 801d; and
(2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

REGARDING THE LEASE OR SUBLEASE OF CERTAIN PROPERTY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 755, H.R. 3913.

The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 3913) to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. Mr. President, I further ask that the bill be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3913) was ordered to a third reading, was read the third time and passed.