

110TH CONGRESS  
1ST SESSION

# S. 1602

To improve the energy security of the United States by promoting diverse energy supplies and energy efficiency, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 12, 2007

Mr. HAGEL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To improve the energy security of the United States by promoting diverse energy supplies and energy efficiency, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Clean, Reliable, Efficient and Secure Energy Act of  
6 2007”.

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

Sec. 1. Short Title; Table of Contents.

Sec. 2. Definition of Secretary.

## TITLE I—ELECTRICITY SECTOR

- Sec. 101. Efficiency in Electricity Use.
- Sec. 102. Incentives for Utility Investment in Smart Grid.
- Sec. 103. Clean Energy Portfolio Standard.
- Sec. 104. Nuclear Fuel Management and Disposal.
- Sec. 105. Advanced Coal Generation.

## TITLE II—TRANSPORTATION SECTOR

- Sec. 201. Automobile Fuel Economy.
- Sec. 202. Report on Average Fuel Economy of Federal Fleet.
- Sec. 203. Traffic Signal Coordination.
- Sec. 204. Renewable Content of Diesel Fuel.
- Sec. 205. Coal-to-Liquid and Gas-to-Liquid Technologies.
- Sec. 206. Availability of Certain Areas of the Outer Continental Shelf for Leasing.

## TITLE III—BUILDINGS AND MANUFACTURING SECTOR

- Sec. 301. Energy Efficiency in Federal Buildings.
- Sec. 302. Energy Efficiency in Public Schools.
- Sec. 303. Manufacturing Processes and Materials Energy Use Commission.
- Sec. 304. Greenfield Study.

## TITLE IV—NATIONAL CLIMATE CHANGE POLICY

- Sec. 401. National Greenhouse Gas Emissions Registry.
- Sec. 402. Report on Industrial Applications of Carbon Dioxide.
- Sec. 403. National Carbon Dioxide Storage Assessment.
- Sec. 404. Liability of Full Carbon Storage Facilities and Depleted Oil Fields.
- Sec. 405. Funding.

TITLE V— STUDIES, ENERGY DAY, AND REESTABLISHMENT OF  
THE OFFICE OF TECHNOLOGICAL ASSESSMENT

## Subtitle A—Studies

- Sec. 501. Study of the Replacement of HVACR Equipment.
- Sec. 502. Study on Fuel Economy Standards for Heavy Trucks.
- Sec. 503. Study of the Use of Synthetic Fuel in Commercial Aircraft.
- Sec. 504. Study of Infrastructure Needs for Significant Use of Renewable Fuels.
- Sec. 505. Study on a Strategic Natural Gas Reserve.

## Subtitle B—Energy Education

- Sec. 511. Energy Day.
- Sec. 512. Energy Efficient Education Programs.

## Subtitle C—Office of Technological Assessment

- Sec. 521. Reestablishment of the Office of Technological Assessment.
- Sec. 522. Authorization of Appropriations.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 (1) In this Act, the term “Secretary” means the  
3 Secretary of Energy.

4 **TITLE I—ELECTRICITY SECTOR**

5 **SEC. 101. EFFICIENCY IN ELECTRICITY USE.**

6 (a) FINDINGS.—Congress finds:

7 (1) The electricity sector is responsible for 42  
8 percent of the energy consumed and 40 percent of  
9 the carbon dioxide emitted in the U.S.

10 (2) Energy efficiency is the quickest way to re-  
11 duce electricity consumption in the U.S.

12 (3) The setting of energy efficiency appliance  
13 standards requires a new framework in order to  
14 speed the diffusion of technological advances into the  
15 market place.

16 (4) Clean technologies of all kinds are required  
17 to enhance the national security of the U.S. and re-  
18 duce U.S. greenhouse gas emissions. Due to the se-  
19 curity implications of clean technologies, electric  
20 generators should not be limited in the clean genera-  
21 tion technologies available to them for credit.

22 (5) Nuclear power requires a waste storage so-  
23 lution. Regardless of any future policy changes,  
24 waste storage will always be required.

25 (6) Regulations have prevented the dissemina-  
26 tion of advanced clean coal generation technology.

1       Increases in efficiency and reducing the need to  
2       build new generation facilities should be balanced  
3       with clean air standards.

4       (b) APPLIANCE EFFICIENCY STANDARDS COMMIS-  
5       SION.—Section 325 of the Energy Policy and Conserva-  
6       tion Act (42 U.S.C. 6295) is amended by adding at the  
7       end the following:

8       “(hh) APPLIANCE EFFICIENCY STANDARDS COMMIS-  
9       SION.—

10       “(1) ESTABLISHMENT.—

11       “(A) ESTABLISHMENT.—There is estab-  
12       lished a commission to be known as the ‘Appli-  
13       ance Efficiency Standards Commission’ (re-  
14       ferred to in this subsection as the ‘Commis-  
15       sion’).

16       “(B) MEMBERSHIP.—

17       “(i) COMPOSITION.—The Commission  
18       shall be composed of 14 members ap-  
19       pointed by the President, of whom—

20       “(I) 5 members shall be ap-  
21       pointed to represent energy and man-  
22       ufacturing industries;

23       “(II) 3 members shall be ap-  
24       pointed to represent consumer organi-  
25       zations;

1                   “(III) 2 members shall be ap-  
2                   pointed from nongovernmental organi-  
3                   zations that specialize in energy effi-  
4                   ciency, environmental protection, or  
5                   consumer advocacy; and

6                   “(IV) 1 member shall be ap-  
7                   pointed from each of—

8                   “(aa) the Department of  
9                   Commerce;

10                   “(bb) the National Academy  
11                   of Sciences;

12                   “(cc) the Department of En-  
13                   ergy; and

14                   “(dd) the Environmental  
15                   Protection Agency.

16                   “(ii) DATE OF APPOINTMENTS.—The  
17                   appointment of a member of the Commis-  
18                   sion shall be made not later than 90 days  
19                   after the date of enactment of this sub-  
20                   section.

21                   “(C) TERM; VACANCIES.—

22                   “(i) TERM.—Subject to clause (ii), the  
23                   term of office of a member of the Commis-  
24                   sion shall be 3 years.

1                   “(ii) STAGGERED INITIAL TERMS.—Of  
2                   the initial members of the Commission ap-  
3                   pointed under clause (i), the term of office  
4                   of—

5                                 “(I) 5 members shall be 3 years;

6                                 “(II) 5 members shall be 2 years;

7                                 and

8                                 “(III) 4 members shall be 1 year.

9                   “(iii) VACANCIES.—A vacancy on the  
10                  Commission—

11                                “(I) shall not affect the powers of  
12                                the Commission; and

13                                “(II) shall be filled in the same  
14                                manner as the original appointment  
15                                was made.

16                   “(D) INITIAL MEETING.—Not later than  
17                   30 days after the date on which all members of  
18                   the Commission have been appointed, the Com-  
19                   mission shall hold the initial meeting of the  
20                   Commission.

21                   “(E) MEETINGS.—The Commission shall  
22                   meet at the call of the Chairperson.

23                   “(F) QUORUM.—A majority of the mem-  
24                   bers of the Commission shall constitute a

1 quorum, but a lesser number of members may  
2 hold hearings.

3 “(G) CHAIRPERSON AND VICE CHAIR-  
4 PERSON.—The Commission shall select a Chair-  
5 person and Vice Chairperson from among the  
6 members of the Commission.

7 “(2) DUTIES.—The Commission shall—

8 “(A) conduct ongoing studies of the estab-  
9 lishment or improvement of energy conservation  
10 standards and test protocols for consumer  
11 goods and appliances that will reduce the use of  
12 electricity use of consumer products and im-  
13 prove the competitiveness of the United States;  
14 and

15 “(B) based on the studies, make rec-  
16 ommendations to the Secretary for the estab-  
17 lishment or improvement of energy conservation  
18 standards and test protocols through expedited  
19 rulemaking under subsection (ii).

20 “(3) POWERS.—

21 “(A) HEARINGS.—The Commission may  
22 hold such hearings, meet and act at such times  
23 and places, take such testimony, and receive  
24 such evidence as the Commission considers ad-  
25 visable to carry out this subsection.

1           “(B) INFORMATION FROM FEDERAL AGEN-  
2           CIES.—

3           “(i) IN GENERAL.—The Commission  
4           may secure directly from a Federal agency  
5           such information as the Commission con-  
6           siders necessary to carry out this sub-  
7           section.

8           “(ii) PROVISION OF INFORMATION.—  
9           On request of the Chairperson of the Com-  
10          mission, the head of the agency shall pro-  
11          vide the information to the Commission.

12          “(C) POSTAL SERVICES.—The Commission  
13          may use the United States mails in the same  
14          manner and under the same conditions as other  
15          agencies of the Federal Government.

16          “(D) GIFTS.—The Commission may ac-  
17          cept, use, and dispose of gifts or donations of  
18          services or property.

19          “(4) COMMISSION PERSONNEL MATTERS.—

20                 “(A) COMPENSATION OF MEMBERS.—

21                 “(i) NON-FEDERAL EMPLOYEES.—A  
22                 member of the Commission who is not an  
23                 officer or employee of the Federal Govern-  
24                 ment shall be compensated at a rate equal  
25                 to the daily equivalent of the annual rate

1 of basic pay prescribed for level IV of the  
2 Executive Schedule under section 5315 of  
3 title 5, United States Code, for each day  
4 (including travel time) during which the  
5 member is engaged in the performance of  
6 the duties of the Commission.

7 “(ii) FEDERAL EMPLOYEES.—A mem-  
8 ber of the Commission who is an officer or  
9 employee of the Federal Government shall  
10 serve without compensation in addition to  
11 the compensation received for the services  
12 of the member as an officer or employee of  
13 the Federal Government.

14 “(B) TRAVEL EXPENSES.—A member of  
15 the Commission shall be allowed travel ex-  
16 penses, including per diem in lieu of subsist-  
17 ence, at rates authorized for an employee of an  
18 agency under subchapter I of chapter 57 of title  
19 5, United States Code, while away from the  
20 home or regular place of business of the mem-  
21 ber in the performance of the duties of the  
22 Commission.

23 “(C) STAFF.—

24 “(i) IN GENERAL.—The Chairperson  
25 of the Commission may, without regard to

1 the civil service laws (including regula-  
2 tions), appoint and terminate an executive  
3 director and such other additional per-  
4 sonnel as are necessary to enable the Com-  
5 mission to perform the duties of the Com-  
6 mission.

7 “(ii) CONFIRMATION OF EXECUTIVE  
8 DIRECTOR.—The employment of an execu-  
9 tive director shall be subject to confirma-  
10 tion by the Commission.

11 “(iii) COMPENSATION.—

12 “(I) IN GENERAL.—Except as  
13 provided in subparagraph (B), the  
14 Chairperson of the Commission may  
15 fix the compensation of the executive  
16 director and other personnel without  
17 regard to the provisions of chapter 51  
18 and subchapter III of chapter 53 of  
19 title 5, United States Code, relating to  
20 classification of positions and General  
21 Schedule pay rates.

22 “(II) MAXIMUM RATE OF PAY.—

23 The rate of pay for the executive di-  
24 rector and other personnel shall not  
25 exceed the rate payable for level V of

1 the Executive Schedule under section  
2 5316 of title 5, United States Code.

3 “(D) DETAIL OF FEDERAL GOVERNMENT  
4 EMPLOYEES.—

5 “(i) IN GENERAL.—An employee of  
6 the Federal Government may be detailed to  
7 the Commission without reimbursement.

8 “(ii) CIVIL SERVICE STATUS.—The  
9 detail of the employee shall be without  
10 interruption or loss of civil service status  
11 or privilege.

12 “(E) PROCUREMENT OF TEMPORARY AND  
13 INTERMITTENT SERVICES.—The Chairperson of  
14 the Commission may procure temporary and  
15 intermittent services in accordance with section  
16 3109(b) of title 5, United States Code, at rates  
17 for individuals that do not exceed the daily  
18 equivalent of the annual rate of basic pay pre-  
19 scribed for level V of the Executive Schedule  
20 under section 5316 of that title.

21 “(5) ADMINISTRATION.—Section 14 of the Fed-  
22 eral Advisory Committee Act (5 U.S.C. App.) shall  
23 not apply to the Commission.

24 “(6) AUTHORIZATION OF APPROPRIATIONS.—  
25 There are authorized to be appropriated such sums

1 as are necessary to carry out this subsection, to re-  
2 main available until expended.”.

3 (c) EXPEDITED RULEMAKINGS.—Section 325 of the  
4 Energy Policy and Conservation Act (42 U.S.C. 6295) (as  
5 amended by subsection (b)) is amended by adding at the  
6 end the following:

7 “(ii) EXPEDITED RULEMAKING FOR STANDARDS  
8 RECOMMENDED BY APPLIANCE EFFICIENCY STANDARDS  
9 COMMISSION.—

10 “(1) IN GENERAL.—The Secretary shall con-  
11 duct an expedited rulemaking based on each energy  
12 conservation standard or test procedure rec-  
13 ommended by the Appliance Efficiency Standards  
14 Commission established under subsection (hh).

15 “(2) PROCEDURE.—

16 “(A) IN GENERAL.—Notwithstanding sub-  
17 section (p) or section 336(a), if the Secretary  
18 receives a recommendation of the Appliance Ef-  
19 ficiency Standards Commission, the Secretary  
20 shall conduct an expedited rulemaking with re-  
21 spect to the standard or test procedure pro-  
22 posed in the recommendation in accordance  
23 with this paragraph.

24 “(B) ADVANCED NOTICE OF PROPOSED  
25 RULEMAKING.—If no advanced notice of pro-

1           posed rulemaking has been issued under sub-  
2           section (p)(1) with respect to the rulemaking  
3           covered by the recommendation, the require-  
4           ments of subsection (p) with respect to the  
5           issuance of an advanced notice of proposed  
6           rulemaking shall not apply.

7           “(C) PROPOSED RULE.—

8           “(i) PUBLICATION.—Not later than  
9           30 days after the receipt of a recommenda-  
10          tion described in paragraph (1), the Sec-  
11          retary shall publish a proposed rule pro-  
12          posing the standard or test procedure cov-  
13          ered by the recommendation.

14          “(ii) PUBLIC COMMENT PERIOD.—  
15          Notwithstanding paragraphs (2) and (3) of  
16          subsection (p), the public comment period  
17          for the proposed rule shall be the 30-day  
18          period beginning on the date of publication  
19          of the proposed rule in the Federal Reg-  
20          ister.

21          “(iii) PUBLIC HEARING.—Notwith-  
22          standing section 336(a), the Secretary may  
23          waive the holding of a public hearing with  
24          respect to the proposed rule.

1           “(D) FINAL RULE.—Notwithstanding sub-  
2           section (p)(4), the Secretary—

3                   “(i) may publish a final rule at any  
4                   time after the 60-day period beginning on  
5                   the date of publication of the proposed rule  
6                   in the Federal Register; and

7                   “(ii) shall publish a final rule not  
8                   later than 120 days after the date of publi-  
9                   cation of the proposed rule in the Federal  
10                  Register.”.

11 **SEC. 102. INCENTIVES FOR UTILITY INVESTMENT IN SMART**  
12 **GRID.**

13           Section 111(d) of the Public Utility Regulatory Poli-  
14           cies Act of 1978 (16 U.S.C. 2621(d)) is amended by add-  
15           ing at the end the following:

16                   “(16) UTILITY INVESTMENT IN SMART GRID IN-  
17                   VESTMENTS.—Each electric utility shall, before un-  
18                   dertaking investments in nonadvanced grid tech-  
19                   nologies, demonstrate that alternative investments in  
20                   advanced grid technologies have been considered, in-  
21                   cluding from a standpoint of cost-effectiveness.

22                   “(17) SMART GRID INCENTIVES.—Each electric  
23                   utility shall be permitted—

24                           “(A) to recover from ratepayers the capital  
25                           and operating expenditures and other costs in-

1 curred by the utility for a qualified smart grid  
2 system, including an enhanced rate of return on  
3 the capital expenditures of the utility for the  
4 smart grid system; and

5 “(B) to recover in a timely manner the  
6 costs of equipment rendered obsolete by the de-  
7 ployment of a smart grid system, based on the  
8 remaining depreciable life of the obsolete equip-  
9 ment.”.

10 **SEC. 103. CLEAN ENERGY PORTFOLIO STANDARD.**

11 Title VI of the Public Utility Regulatory Policies Act  
12 of 1978 (16 U.S.C. 2601 et seq.) is amended by adding  
13 at the end the following:

14 **“SEC. 610. CLEAN ENERGY PORTFOLIO STANDARD.**

15 “(a) FINDINGS.—Congress finds that—

16 “(1) the development of clean energy resources  
17 of the United States is a matter of national security  
18 and energy security;

19 “(2) a Federal clean energy portfolio standard  
20 will help improve the air quality of the United States  
21 by increasing the use of electricity generating tech-  
22 nologies without the production of harmful emis-  
23 sions;

24 “(3) a clean energy portfolio standard may—

1           “(A) help diversify fuel sources used for  
2           electricity generation;

3           “(B) encourage the conservation of energy  
4           sources;

5           “(C) provide more reliable electricity  
6           through diversification and conservation, thus  
7           reducing the overall cost of electric generation;

8           “(D) promote renewable generation tech-  
9           nologies; and

10          “(E) significantly reduce future carbon di-  
11          oxide emissions;

12          “(4) a Federal clean energy portfolio standard  
13          should be applied to the total electric sales made by  
14          retailers to consumers—

15                 “(A) to ensure the most effective use of re-  
16                 sources and facilities in existence on the date of  
17                 enactment of this section; and

18                 “(B) to ensure that a significant portion of  
19                 the increased future demand for electricity is  
20                 served by clean energy resources;

21          “(5) approximately 30 percent of the total sales  
22          of electricity in the United States is generated  
23          through clean energy resources such as hydropower,  
24          nuclear, and renewable technologies; and

1           “(6) it is the goal of a Federal clean energy  
2 portfolio standard that 50 percent of the total retail  
3 sales of electricity in the United States be generated  
4 through clean energy resources by calendar year  
5 2035.

6           “(b) DEFINITIONS.—In this section:

7           “(1) ASSOCIATE COMPANY.—The term ‘asso-  
8 ciate company’ has the meaning given the term in  
9 section 1262 of the Public Utility Holding Company  
10 Act of 2005 (42 U.S.C. 16451).

11           “(2) BASE QUANTITY OF A RETAIL ELECTRIC  
12 SUPPLIER.—The term ‘base quantity of a retail elec-  
13 tric supplier’ means the average annual quantity of  
14 electric energy, expressed in terms of kilowatt-hours,  
15 sold by a retail electric supplier to electric con-  
16 sumers for purposes—

17           “(A) other than resale during calendar  
18 years 2010 to 2012; or

19           “(B) as otherwise determined by the Sec-  
20 retary.

21           “(3) BIOMASS.—

22           “(A) IN GENERAL.—The term ‘biomass’  
23 means any organic material that is available on  
24 a renewable or recurring basis, including—

25           “(i) dedicated energy crops;

1                   “(ii) trees grown for energy produc-  
2                   tion;

3                   “(iii) wood waste and wood residues;

4                   “(iv) plants (including aquatic plants,  
5                   grasses and agricultural crops);

6                   “(v) residues;

7                   “(vi) fibers;

8                   “(vii) animal wastes and other organic  
9                   waste materials; and

10                  “(viii) fats and oils.

11                  “(B) INCLUSIONS.—The term ‘biomass’ in-  
12                  cludes only organic material from—

13                  “(i) thinnings from trees that are less  
14                  than 12 inches in diameter;

15                  “(ii) slash;

16                  “(iii) brush; and

17                  “(iv) mill residues.

18                  “(C) EXCLUSIONS.—The term ‘biomass’  
19                  does not include any material removed from  
20                  National Forest System land, unless the re-  
21                  moval is part of a forest management plan.

22                  “(4) CLEAN ENERGY.—The term ‘clean energy’  
23                  means electric energy generated by a clean energy  
24                  resource.

25                  “(5) CLEAN ENERGY RESOURCE.—

1           “(A) IN GENERAL.—The term ‘clean en-  
2 energy resource’ means energy from—

3                   “(i) solar energy;

4                   “(ii) wind;

5                   “(iii) ocean energy (including tidal,  
6 wave, and current);

7                   “(iv) geothermal energy;

8                   “(v) fuel cells (including zero emission  
9 regenerative fuel cell technology);

10                  “(vi) solid waste (as that term is de-  
11 fined in section 1004 of the Solid Waste  
12 Disposal Act (42 U.S.C. 6903));

13                  “(vii) renewable natural gas;

14                  “(viii) landfill gas;

15                  “(ix) qualified hydropower production  
16 (as that term is defined in section 45(c)(8)  
17 of the Internal Revenue Code of 1986);  
18 and

19                  “(x) an inherently low-emission facil-  
20 ity.

21           “(B) AUTHORIZATION TO EXPAND  
22 TERM.—In promulgating regulations under sub-  
23 section (q), the Secretary may expand the defi-  
24 nition of the term ‘clean energy resource’ to in-  
25 clude new technologies or sources that the Sec-

1           retary determines to have characteristics in  
2           common with other energy resources listed in  
3           this subsection.

4           “(6) DEMAND-SIDE MANAGEMENT.—The term  
5           ‘demand-side management’ means—

6                   “(A) an electric retailer assistance of man-  
7                   agement of customer consumption of electricity  
8                   of the demand for electricity through—

9                           “(i) the implementation of energy-effi-  
10                           ciency technologies;

11                           “(ii) the use of real-time or other in-  
12                           formation systems that provide relevant  
13                           data to electricity consumers regarding—

14                                   “(I) rate of consumption;

15                                   “(II) cost per kilowatt hour dur-  
16                                   ing peak and off-peak hours; or

17                                   “(III) any other information that  
18                                   would assist electricity consumers in  
19                                   making informed decisions regarding  
20                                   the use of electricity; or

21                           “(iii) any other program approved by  
22                           the Secretary that would assist in the man-  
23                           agement of customer consumption or de-  
24                           mand for electricity which can be directly

1           attributable to the resources invested in  
2           the approved program;

3           “(B) management practices of an electric  
4           retailer or other measures relating to residen-  
5           tial, commercial, industrial, institutional, or  
6           governmental customers that reduce electricity  
7           consumption by those customers or industrial  
8           by-product technologies consisting of the use of  
9           a by-product from an industrial process (includ-  
10          ing the reuse of energy from exhaust gases or  
11          other manufacturing byproducts that are used  
12          in the direct production of electricity at the fa-  
13          cility of a customer);

14          “(C) electricity providers assistance in the  
15          implementation of and expanded use of distrib-  
16          uted generation technologies, including on-site  
17          renewable energy systems and fuel cells;

18          “(D) energy efficiency technologies, includ-  
19          ing—

20                  “(i) generation technologies to im-  
21                  prove efficiency; and

22                  “(ii) grid technologies to reduce line  
23                  losses and improve transmission efficiency;  
24                  and

1           “(E) other demand management tech-  
2           niques or processes whose effectiveness can be  
3           accounted for as approved by the Secretary.

4           “(7) EXPENDITURES ON ELIGIBLE DEMAND-  
5           SIDE MANAGEMENT PRODUCTS OR SERVICES.—The  
6           term ‘expenditures on eligible demand-side manage-  
7           ment products or services’ means expenditures in-  
8           curred for demand-side management measures of-  
9           fered by a retail electric supplier pursuant to energy  
10          conservation, efficiency, and demand-side manage-  
11          ment plans and programs that are—

12                   “(A) established under a law (including a  
13                   regulation) of a State; and

14                   “(B) approved by the appropriate regu-  
15                   latory authorities of the State.

16          “(8) INCREMENTAL COST OF ENERGY.—The  
17          term ‘incremental cost of energy’ means—

18                   “(A) the cost to the electric utility for the  
19                   purchase of energy associated with the acquisi-  
20                   tion of clean energy credits or for the genera-  
21                   tion of energy to satisfy the minimum clean en-  
22                   ergy generation requirement of subsection (d),  
23                   including any receipt and delivery costs in-  
24                   curred by the electric utility; and

1           “(B) the cost to the electric utility for ac-  
 2           quiring renewable energy credits to satisfy the  
 3           minimum clean energy generation requirement  
 4           of subsection (d), including any cost associated  
 5           with—

6                     “(i) alternative compliance payments;

7                     “(ii) credit or certificate purchases; or

8                     “(iii) other financial compliance pay-  
 9                     ments made to a State.

10           “(9) INCREMENTAL ELECTRIC SALES OF A RE-  
 11           TAIL ELECTRIC SUPPLIER.—The term ‘incremental  
 12           electric sales of a retail electric supplier’ means the  
 13           difference between—

14                     “(A) the quantity of sales of a retail elec-  
 15                     tric supplier to electric consumers in a given  
 16                     year; and

17                     “(B) the base quantity of a retail electric  
 18                     supplier.

19           “(10) INHERENTLY LOW-EMISSION FACILITY.—

20                     “(A) IN GENERAL.—The term ‘inherently  
 21                     low-emission facility’ means—

22                     “(i) an integrated gasification com-  
 23                     bine cycle generation facility or other coal-  
 24                     fired or gas-fired generation technology  
 25                     that provides for—

1                   “(I) the future capture and se-  
2                   questration of carbon provided that  
3                   carbon capture and sequestration  
4                   technology is commercially viable as  
5                   determined by the Secretary; and

6                   “(II) a reduction of emissions;  
7                   and

8                   “(ii) a new nuclear power facility.

9                   “(B) AUTHORIZATION TO EXPAND  
10                  TERM.—In promulgating regulations under sub-  
11                  section (q), the Secretary may expand the defi-  
12                  nition of the term ‘inherently low-emission facil-  
13                  ity’ to include new technologies that the Sec-  
14                  retary determines to have characteristics in  
15                  common with other energy resources listed in  
16                  this subsection.

17                  “(11) INDIAN LAND.—The term ‘Indian land’  
18                  means—

19                         “(A) any land located within the bound-  
20                         aries of any Indian reservation, pueblo, or  
21                         rancheria;

22                         “(B) any land not located within the  
23                         boundaries of any indian reservation, pueblo, or  
24                         rancheria, title to which was, on the date of en-  
25                         actment of this section, held by—

1                   “(i) the United States for the benefit  
2                   of any Indian tribe or individual; or

3                   “(ii) any Indian tribe or individual  
4                   subject to a restriction against alienation  
5                   by the United States;

6                   “(C) any dependent Indian community;  
7                   and

8                   “(D) any land conveyed to any Alaska Na-  
9                   tive corporation under the Alaska Native  
10                  Claims Settlement Act (43 U.S.C. 1601 et  
11                  seq.).

12                  “(12) INDIAN TRIBE.—The term ‘Indian tribe’  
13                  has the meaning given the term in section 4 of the  
14                  Indian Self-Determination and Education Assistance  
15                  Act (25 U.S.C. 450b).

16                  “(13) NECESSARY COSTS.—The term ‘necessary  
17                  costs’ means any costs associated with—

18                         “(A) the purchase of—

19                                 “(i) a clean energy credit; and

20                                 “(ii) any associated energy;

21                         “(B) the generation of a clean energy cred-  
22                         it; and

23                                 “(C) the firming, shaping, balancing,  
24                                 backup, and delivery services prudently incurred  
25                                 to maintain a reliable and well-functioning elec-

1           tric system that incorporates energy from a  
2           clean energy resource.

3           “(14) NEW NUCLEAR POWER.—The term ‘new  
4           nuclear power’ means—

5                   “(A) electric energy that is generated from  
6                   a nuclear facility placed in service after Janu-  
7                   ary 1, 2012; or

8                   “(B) electric energy that is generated from  
9                   an existing facility that has been uprated after  
10                  January 1, 2012 and is calculated by the dif-  
11                  ference between—

12                           “(i) average output prior to the  
13                           uprate; and

14                           “(ii) the average output after the  
15                           uprate.

16           “(15) RECEIPT AND DELIVERY COSTS.—

17                   “(A) IN GENERAL.—The term ‘receipt and  
18                   delivery costs’ means any costs associated with  
19                   the receipt of energy on the system of the elec-  
20                   tric utility and the delivery of the energy to the  
21                   retail loads of the electric utility through—

22                           “(i) transmission facilities in existence  
23                           on the date of enactment of this section;  
24                           and

1                   “(ii) transmission facilities newly con-  
2                   structed after the date of enactment of this  
3                   section.

4                   “(B) INCLUSIONS.—The term ‘receipt and  
5                   delivery costs’ includes—

6                   “(i) any transmission and distribution  
7                   cost or charge;

8                   “(ii) any loss and associated ancillary  
9                   service charge—

10                   “(I) assessed by any applicable  
11                   transmission provider; or

12                   “(II) provided for pursuant to  
13                   the Commission-accepted open access  
14                   transmission tariff of the electric util-  
15                   ity; and

16                   “(iii) any firming, shaping, backup, or  
17                   delivery services required by the electric  
18                   utility to balance clean energy.

19                   “(16) RETAIL ELECTRIC SUPPLIER.—The term  
20                   ‘retail electric supplier’ means—

21                   “(A) an individual or entity that sold not  
22                   less than 500,000 megawatt hours of electric  
23                   energy to electric consumers for purposes other  
24                   than resale in any calendar year before January  
25                   1, 2015; and

1           “(B) an individual or entity that first sold  
2           electric energy to electric consumers for pur-  
3           poses other than resale after January 1, 2015.

4           “(17) SEQUESTRATION.—The term ‘sequestra-  
5           tion’ means the capture and storage of carbon in—

6                   “(A) biological organisms capable of the  
7                   capture and storage of carbon; or

8                   “(B) geological or geophysical structures  
9                   that can hold carbon and carbon molecules un-  
10                  derground for a period of at least 100 years or  
11                  such other period as is determined by the Sec-  
12                  retary.

13           “(18) STATE RENEWABLE STANDARD PRO-  
14           GRAM.—The term ‘State renewable standard pro-  
15           gram’ means a program that—

16                   “(A) requires the generation or purchase  
17                   of electricity from renewable energy;

18                   “(B) provides for—

19                           “(i) alternative compliance payments  
20                           in satisfaction of applicable State require-  
21                           ments under the program;

22                           “(ii) compliance through acquisition of  
23                           certificates or credits; or

24                           “(iii) other financial compliance mech-  
25                           anisms; or

1           “(C) imposes a penalty in the event of a  
2           failure to meet applicable requirements.

3           “(c) CALCULATION OF BASE QUANTITY.—Not later  
4 than 2 years after the date of enactment of this section,  
5 the Secretary shall promulgate regulations to establish—

6           “(1) the calculation of the base quantity of elec-  
7 tric retail suppliers that initiate sales after January  
8 1, 2010; and

9           “(2) the manner by which adjustments shall be  
10 made for—

11           “(A) material changes in marketing pat-  
12 terns; and

13           “(B) other unusual circumstances during  
14 or after the base period.

15           “(d) CLEAN ENERGY GENERATION REQUIRE-  
16 MENT.—

17           “(1) REQUIREMENT.—

18           “(A) SUBMISSION OF CLEAN ENERGY  
19 CREDITS.—

20           “(i) IN GENERAL.—Subject to clause  
21 (ii), for each calendar year beginning in  
22 calendar year 2012, each retail supplier  
23 shall submit to the Secretary, not later  
24 than April 1 of each following calendar  
25 year, clean energy credits in an amount

1 equal to the required annual percentage  
2 described in paragraph (2).

3 “(ii) EXCEPTION.—A retail electric  
4 supplier shall not be required to submit  
5 clean energy credits—

6 “(I) in a quantity greater than  
7 the incremental electric sales of a re-  
8 tail electric supplier to electric con-  
9 sumers in excess of the base quantity  
10 of the retail electric supplier estab-  
11 lished under subsection (c)(1); and

12 “(II) during the time period for  
13 which the President or the Governor  
14 of the State in which the retail elec-  
15 tric supplier sells electricity has de-  
16 clared a state of emergency caused by  
17 a natural or manmade disaster.

18 “(2) PERCENTAGES.—The required annual per-  
19 centage described in this paragraph for a calendar  
20 year shall be not less than the percentage specified  
21 in the following table for the calendar year:

<b>“Calendar Year</b>	<b>Minimum Annual Percentage</b>
2012–2017 .....	5 percent
2018–2023 .....	10 percent
2024–2029 .....	15 percent
2030 and thereafter .....	20 percent.

22 “(3) MEANS OF COMPLIANCE.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), in order to satisfy the requirement  
3 of paragraph (1), a retail electric supplier may  
4 submit to the Secretary clean energy credits—

5           “(i) issued to the retail electric sup-  
6 plier under subsections (e) and (h);

7           “(ii) obtained by purchase or ex-  
8 change under subsection (f);

9           “(iii) borrowed under subsection (i);

10          or

11          “(iv) purchased from the Secretary  
12 under subsection (j).

13          “(B) LIMITATIONS.—

14          “(i) LIMITATION ON USE OF CREDITS  
15 RELATING TO SEQUESTRATION OR RET-  
16 ROFIT TECHNOLOGIES.—Not more than 10  
17 percent of the obligation of a retail electric  
18 supplier under paragraph (1) may be satis-  
19 fied through use of credits issued under  
20 subsection (e)(7)(C).

21          “(ii) LIMITATION ON COUNTING OF  
22 CREDITS.—A clean energy credit may be  
23 counted toward compliance with paragraph  
24 (1) not more than once.

25          “(e) ISSUANCE OF CREDITS.—

1           “(1) ESTABLISHMENT OF PROGRAM.—Not later  
2 than 1 year after the date of enactment of this sec-  
3 tion, the Secretary shall establish, by regulation, a  
4 program—

5                   “(A) to issue clean energy credits;

6                   “(B) to monitor the sale or exchange of  
7 clean energy credits; and

8                   “(C) to track clean energy credits.

9           “(2) APPLICATION FOR CREDITS.—

10                   “(A) IN GENERAL.—In accordance with  
11 the program established under paragraph (1),  
12 an individual or entity that generates electric  
13 energy through the use of a clean energy re-  
14 source may apply to the Secretary for the  
15 issuance of clean energy credits.

16                   “(B) ENTITIES THAT GENERATE ELEC-  
17 TRICITY OUTSIDE THE UNITED STATES.—

18                           “(i) DEMONSTRATION OF DOMESTIC  
19 CONSUMPTION.—If the electricity gen-  
20 erated by an applicant is generated outside  
21 the United States, the applicant shall dem-  
22 onstrate to the Secretary that the elec-  
23 tricity is sold for ultimate consumption in  
24 the United States.

1                   “(ii) APPLICATION REQUIREMENTS.—

2                   The applicant shall submit to the Sec-  
3                   retary an application that includes—

4                               “(I) the type of clean energy re-  
5                               source used to produce the electricity;

6                               “(II) the location at which the  
7                               electric energy was produced;

8                               “(III) the quantity of electricity  
9                               generated by the clean energy re-  
10                              source; and

11                             “(IV) any other appropriate in-  
12                             formation, as determined by the Sec-  
13                             retary.

14                   “(3) ELIGIBILITY.—

15                               “(A) IN GENERAL.—To be eligible for a  
16                               clean energy credit, a unit of electric energy  
17                               generated through the use of a clean energy re-  
18                               source shall be sold or used by the generator.

19                               “(B) ENERGY PRODUCED BY CLEAN AND  
20                               NON-CLEAN ENERGY RESOURCES.—If a clean  
21                               energy resource and a nonclean energy resource  
22                               are combined to generate electric energy, the  
23                               Secretary shall issue clean energy credits based  
24                               on the proportion that the quantity of clean en-  
25                               ergy resources used to generate the electric en-

1           energy bears to the total quantity of energy re-  
2           sources used to generate the electric energy.

3           “(C) EXISTING FOSSIL-FIRED POWER FA-  
4           CILITIES.—An existing coal-fired or gas-fired  
5           power facility that is retrofitted shall be eligible  
6           for a clean energy credit to the extent that the  
7           facility is considered an inherently low-emission  
8           facility.

9           “(4) IDENTIFICATION OF CREDITS.—The Sec-  
10          retary shall identify clean energy credits by type and  
11          year of generation.

12          “(5) TREATMENT OF CERTAIN RETAIL ELEC-  
13          TRIC SUPPLIERS.—If a generator sells electric en-  
14          ergy generated through the use of a clean energy re-  
15          source to a retail electric supplier under a contract  
16          subject to section 210, or pursuant to a State net  
17          metering program, the retail electric supplier shall  
18          be treated as the generator of the electric energy for  
19          the purposes of this section for the duration of the  
20          contract.

21          “(6) ESTABLISHMENT OF A VERIFICATION PRO-  
22          GRAM.—Not later than 1 year after the date of con-  
23          firmation that such technology is commercially viable  
24          as determined by the Secretary, the Secretary shall  
25          establish, by regulation, a program for verifying the

1 reduction of carbon dioxide emissions into the at-  
2 mosphere through—

3 “(A) permanent geological sequestration;

4 “(B) biosequestration; or

5 “(C) other verifiably permanent reductions  
6 in carbon dioxide emissions from the retrofit of  
7 power plants in existence on the date of enact-  
8 ment of this section with technology that per-  
9 manently reduces carbon dioxide emissions—

10 “(i) in proportion to the net power  
11 output of the power plant; or

12 “(ii) from industrial or other sources.

13 “(7) ISSUANCE OF CREDITS.—

14 “(A) IN GENERAL.—Except as otherwise  
15 provided in this paragraph, not later than Jan-  
16 uary 1, 2012, and annually thereafter, the Sec-  
17 retary shall issue to each individual or entity  
18 that generates electric energy 1 clean energy  
19 credit for each kilowatt-hour of electric energy  
20 that the individual or entity generated through  
21 the use of clean energy resources during the  
22 preceding calendar year.

23 “(B) CREDITS FOR SEQUESTERED CARBON  
24 DIOXIDE.—

1           “(i) IN GENERAL.—The Secretary  
2 shall issue 1,000 credits for each ton of  
3 carbon dioxide that has been—

4                   “(I) verifiably sequestered and  
5 reduced; or

6                   “(II) verifiably sequestered  
7 through biosequestration.

8           “(ii) VALUE AND USE OF CREDIT.—A  
9 credit issued under clause (i)—

10                   “(I) shall have the same value as  
11 a credit issued under any other sub-  
12 paragraph of this paragraph; and

13                   “(II) may be used to comply with  
14 the minimum generation requirements  
15 under paragraphs (1) and (2) or sub-  
16 section (d), except as provided in sub-  
17 section (d)(3)(B)(i).

18           “(iii) PROJECTS LOCATED OUTSIDE  
19 THE UNITED STATES.—A biosequestration  
20 project located outside the United States  
21 (other than on Indian land) shall not be el-  
22 igible to receive credits under clause (i).

23           “(C) CREDITS FOR FACILITIES LOCATED  
24 ON INDIAN LAND.—

1           “(i) IN GENERAL.—The Secretary  
2           shall issue 2 clean energy credits for each  
3           kilowatt-hour of electric energy generated  
4           and supplied to the grid during the pre-  
5           ceding calendar year through the use of  
6           clean energy at a facility located on Indian  
7           land.

8           “(ii) LOCATION REQUIREMENT.—A  
9           facility shall receive 2 energy credits for  
10          each kilowatt-hour of electric energy gen-  
11          erated under subparagraph (A), if the elec-  
12          tric energy was produced by biomass  
13          grown on Indian land.

14          “(D) CREDITS FOR ENTITIES SUBJECT TO  
15          A STATE RENEWABLE STANDARD PROGRAM.—

16               “(i) IN GENERAL.—The Secretary  
17               shall issue to a retail electric supplier that  
18               is subject to a State renewable standard  
19               program clean energy credits in a quantity  
20               that corresponds to the kilowatt-hour obli-  
21               gation—

22                       “(I) represented by the State al-  
23                       ternative compliance payment, credit  
24                       or certificate payment, or other finan-  
25                       cial compliance payment (or a penalty

1 payment as though that payment had  
2 been made to the Secretary under  
3 subsection (k)); or

4 “(II) satisfied under the State re-  
5 newable standard program through  
6 the use of an eligible technology or eli-  
7 gible resource, as defined by the  
8 State.

9 “(ii) USE OF CREDITS.—A clean en-  
10 ergy credit issued by the Secretary to a re-  
11 tail electric supplier that is subject to a  
12 State renewable standard program under  
13 clause (i) may be—

14 “(I) applied against the required  
15 annual percentage of the retail electric  
16 supplier under subsection (d)(2); or

17 “(II) transferred for use only by  
18 an associate company of the retail  
19 electric supplier.

20 “(E) CREDITS FOR ELIGIBLE DEMAND-  
21 SIDE MANAGEMENT PRODUCTS OR SERVICES.—

22 “(i) IN GENERAL.—The Secretary  
23 shall issue to a retail electric supplier that  
24 provides eligible demand-side management  
25 products or services clean energy credits in

1 a quantity that corresponds to the amount  
2 of expenditures of eligible demand-side  
3 management products or services as  
4 though those expenditures had been pay-  
5 ments made to the Secretary under sub-  
6 section (k).

7 “(ii) USE OF CREDITS.—A clean en-  
8 ergy credit issued by the Secretary under  
9 clause (i) may be—

10 “(I) applied against the required  
11 annual percentage of the retail electric  
12 supplier under subsection (d)(2); or

13 “(II) transferred for use only by  
14 an associate company of the retail  
15 electric supplier.

16 “(F) CREDITS FOR NEW NUCLEAR POWER  
17 FACILITIES.—The Secretary shall issue to a  
18 new nuclear power facility that qualifies as an  
19 inherently low-emission facility 1 credit for each  
20 kilowatt-hour of production generated by the  
21 new nuclear power facility.

22 “(G) CREDITS FOR NEW CLEAN COAL  
23 TECHNOLOGY.—The Secretary shall issue to a  
24 new clean-coal technology power facility that

1           qualifies as an inherently low-emission facil-  
2           ity—

3                   “(i) 1 credit for each kilowatt-hour of  
4                   production generated by the new clean-coal  
5                   technology power facility; and

6                   “(ii) credits issued in accordance with  
7                   subparagraph (B).

8           “(f) TRADING CREDITS.—

9                   “(1) IN GENERAL.—Subject to paragraph (2),  
10                  an individual or entity that has earned credits under  
11                  subsection (e)(7) may sell or transfer to, or ex-  
12                  change credits with, any other individual or entity.

13                  “(2) EXCEPTION.—Clean energy credits issued  
14                  by the Secretary pursuant to subparagraphs (D) and  
15                  (E) of subsection (e)(7) may only be sold, trans-  
16                  ferred to, or exchanged with, any individual or entity  
17                  within the State in which the credits are issued.

18           “(g) DURATION OF VALIDITY.—A clean energy credit  
19           issued by the Secretary under subsection (e)(7) for any  
20           year that is not used to satisfy the minimum annual per-  
21           centage requirement of subsection (d)(1) for that calendar  
22           year may be carried forward for use in any subsequent  
23           calendar year.

24           “(h) EARLY ACTION.—

1           “(1) IN GENERAL.—Subject to paragraph (2), a  
2     retail electric supplier generating electric energy  
3     through the use of a clean energy resource during  
4     the period beginning January 1, 2008, and ending  
5     on December 31, 2012, shall be eligible to receive  
6     credits from the Secretary.

7           “(2) EXCEPTION FOR EXISTING INHERENTLY  
8     LOW-EMISSION FACILITIES.—An inherently low-emis-  
9     sion facility in existence on the date of enactment of  
10    this section shall not be eligible to receive a credit  
11    from the Secretary under paragraph (1).

12          “(3) ISSUANCE OF CLEAN ENERGY CREDITS.—  
13    The Secretary shall issue to an eligible electric sup-  
14    plier under paragraph (1) clean energy credits on  
15    the same basis as if the generation of the electricity  
16    by the eligible electric supplier occurred after De-  
17    cember 31, 2012.

18          “(4) VALUE AND USE OF CREDITS.—A credit  
19    issued by the Secretary under paragraph (3)—

20               “(A) shall have the same value as any  
21               credit issued under this section; and

22               “(B) may be used for any purpose author-  
23               ized under this section.

24          “(i) CLEAN ENERGY CREDIT BORROWING.—On any  
25    date before December 31, 2012, and each calendar year

1 thereafter, a retail electric supplier that has reason to be-  
2 lieve that the supplier will not have sufficient clean energy  
3 credits to comply with subsection (d)(1) may—

4           “(1) submit to the Secretary a plan dem-  
5 onstrating that the retail electric supplier will earn  
6 sufficient credits within the subsequent 3 calendar  
7 years (or for a longer period, if the retail electric  
8 supplier intends to obtain credits for power gen-  
9 erated by a new nuclear power facility) that would  
10 enable the retail electric supplier to meet the re-  
11 quirements of subsection (d)(1) for each applicable  
12 calendar year; and

13           “(2) on the approval of the plan by the Sec-  
14 retary, apply clean energy credits that the retail  
15 electric supplier demonstrates through the plan sub-  
16 mitted under paragraph (1) will be earned within  
17 the subsequent 3 calendar years (or for a longer pe-  
18 riod, if the retail electric supplier intends to obtain  
19 credits for power generated by a new nuclear power  
20 facility) to meet the requirements of subsection  
21 (d)(1) for each applicable calendar year.

22           “(j) CREDIT COST GAP.—The Secretary shall offer  
23 clean energy credits for sale at a price that does not ex-  
24 ceed—

1           “(1) 2.5 cents per kilowatt-hour for each appli-  
2 cable compliance period that occurs during each of  
3 calendar years 2012 through 2017;

4           “(2) 3.0 cents per kilowatt-hour for each appli-  
5 cable compliance period that occurs during each of  
6 calendar years 2018 through 2023;

7           “(3) 3.5 cents per kilowatt-hour for each appli-  
8 cable compliance period that occurs during each of  
9 calendar years 2024 through 2029; and

10           “(4) 5.0 cents per kilowatt-hour for each appli-  
11 cable compliance period that occurs during calendar  
12 year 2030 or each calendar year thereafter.

13           “(k) ENFORCEMENT.—

14           “(1) IN GENERAL.—The Secretary may assess  
15 a civil penalty on a retail electric supplier that does  
16 not comply with subsection (d)(1), unless the retail  
17 electric supplier was unable to comply with sub-  
18 section (d)(1) for reasons beyond the reasonable con-  
19 trol of the retail electric supplier, including—

20                   “(A) weather-related damage;

21                   “(B) mechanical failure;

22                   “(C) lack of transmission capacity or avail-  
23 ability;

24                   “(D) strikes;

25                   “(E) lockouts; or

1           “(F) actions of a governmental authority,  
2 including delays in permitting of new clean en-  
3 ergy facilities or transmission lines.

4           “(2) MANDATORY CIVIL PENALTY.—

5           “(A) IMPOSITION OF PENALTY.—

6           “(i) IN GENERAL.—Except as pro-  
7 vided in clause (ii), any retail electric sup-  
8 plier that fails to submit the required num-  
9 ber of clean energy credits under sub-  
10 section (d)(1) shall be subject to a civil  
11 penalty.

12           “(ii) EXCEPTION.—Any retail electric  
13 supplier that fails to submit the required  
14 number of clean energy credits under sub-  
15 section (d)(1)(A)(i) but fulfills the require-  
16 ments for an exemption under subsection  
17 (d)(1)(A)(ii) shall not be subject to a civil  
18 penalty.

19           “(B) AMOUNT OF PENALTY.—The amount  
20 of the civil penalty shall be not more than the  
21 lesser of—

22           “(i) 3.5 cents for each kilowatt-hour  
23 produced by the retail electric supplier that  
24 was not covered by a clean energy credit;  
25 and

1           “(ii) for each clean energy credit not  
2           submitted for a calendar year, an amount  
3           equal to 200 percent of the average market  
4           value of the clean energy credit during the  
5           calendar year.

6           “(l) INFORMATION COLLECTION.—The Secretary  
7           may collect any information considered by the Secretary  
8           to be necessary to verify and audit—

9           “(1) the annual electric energy generation and  
10          clean energy generation of any individual or entity  
11          applying for a clean energy credit under this section;

12          “(2) the validity of clean energy credits sub-  
13          mitted to the Secretary by a retail electric supplier;  
14          and

15          “(3) the quantity of electricity sales of all retail  
16          electric suppliers.

17          “(m) ENVIRONMENTAL SAVINGS CLAUSE.—

18          “(1) QUALIFIED HYDROPOWER PRODUCTION.—  
19          Qualified hydropower production shall be subject to  
20          all applicable—

21                  “(A) environmental laws; and

22                  “(B) licensing and regulatory require-  
23          ments.

24          “(2) CARBON SEQUESTRATION PROJECTS.—A  
25          carbon sequestration project that uses geological or

1 geophysical structures for the permanent storage of  
2 carbon dioxide shall not be subject to liability under  
3 subtitles C or D of the Solid Waste Disposal Act (42  
4 U.S.C. 6921 et seq.) or the Comprehensive Environ-  
5 mental Response, Compensation, and Liability Act  
6 of 1980 (42 U.S.C. 9601 et seq.).

7 “(n) EXISTING PROGRAMS.—

8 “(1) COORDINATION.—In carrying out this sec-  
9 tion, the Secretary shall incorporate common ele-  
10 ments of clean energy programs in existence on the  
11 date of enactment of this section (including State  
12 programs) to ensure administrative efficiency, mar-  
13 ket liquidity, and effective enforcement.

14 “(2) COOPERATION BETWEEN SECRETARY AND  
15 STATES.—In carrying out this section, the Secretary  
16 shall work with the States—

17 “(A) to minimize administrative burdens  
18 and costs; and

19 “(B) to avoid duplicating compliance  
20 charges to retail electric suppliers.

21 “(o) RECOVERY OF COSTS.—

22 “(1) IN GENERAL.—Any necessary costs in-  
23 curred by a retail electric supplier to comply with  
24 this section shall be recoverable in accordance with  
25 this subsection.

1           “(2) RIGHT OF RECOVERY BY RETAIL ELECTRIC  
2 SUPPLIER.—Notwithstanding any other law (includ-  
3 ing a regulation), administrative order, or agreement  
4 between the electric utility and the Commission or a  
5 State regulatory authority, a retail electric supplier  
6 that has completed a sale of electric energy that is  
7 subject to any form of rate regulation (including any  
8 utility that uses rates that are regulated by the  
9 Commission or any State-regulated electric utility)  
10 shall not be denied the opportunity to recover the  
11 full amount of the prudently incurred incremental  
12 cost of energy obtained to comply with the require-  
13 ments of subsection (d)(1).

14           “(p) CLEAN ENERGY TECHNOLOGY FUND.—

15           “(1) ESTABLISHMENT.—There is established in  
16 the Treasury of the United States a revolving fund,  
17 to be known as the ‘Clean Energy Technology Trust  
18 Fund’ (referred to in this section as the ‘Fund’),  
19 consisting of such amounts as the Secretary shall  
20 deposit into the Fund from funds received by the  
21 Secretary under subsections (j) and (k)(2)(B).

22           “(2) MAXIMUM CUMULATIVE AMOUNT.—Of any  
23 funds received by the Secretary under subsections (j)  
24 and (k)(2)(B), the Secretary shall deposit—

1           “(A) not more than \$25,000,000,000 into  
2           the Fund; and

3           “(B) any amounts in excess of  
4           \$25,000,000,000 into the general fund of the  
5           Treasury.

6           “(3) EXPENDITURES FROM FUND.—Beginning  
7           in fiscal year 2014, on the request of the Secretary,  
8           of the amount any funds deposited into the Fund for  
9           the previous fiscal year, the Secretary of the Treas-  
10          ury shall transfer—

11           “(A) 50 percent of the funds to the sec-  
12          retary to carry out research and demonstration  
13          projects to promote clean energy resources, in-  
14          herently low-emission facilities, and demand-  
15          side management, of which the secretary shall  
16          award—

17           “(i) 50 percent of the funds shall be  
18          used to provide research and development  
19          grants to research centers and institutions  
20          of higher education in States that have  
21          paid into the Fund an amount that is  
22          greater than the average amount paid into  
23          the Fund by all States; and

24           “(ii) 50 percent of the funds shall be  
25          used to provide research and development

1 grants to research centers and institutions  
2 of higher education on a competitive basis;

3 “(B) 45 percent of the funds shall be  
4 transferred to the Secretary to assist in off-set-  
5 ting financial burdens incurred by the imple-  
6 mentation of the Clean, Reliable, Efficient and  
7 Secure Energy Act; and

8 “(C) 5 percent of the funds shall be trans-  
9 ferred to the Secretary to assist in off-setting  
10 financial burdens incurred by the implementa-  
11 tion of this section through the low-income  
12 home energy assistance program established  
13 under the Low-Income Home Energy Assist-  
14 ance Act of 1981 (42 U.S.C. 8621 et seq.).

15 “(4) TRANSFERS OF AMOUNTS.—

16 “(A) BUDGET ACT ALLOCATIONS.—The  
17 Effective for the fiscal year 2014 and each fis-  
18 cal year thereafter, funds appropriate from the  
19 Fund established under paragraph (1) of this  
20 section shall not be subject to—

21 “(i) the allocations for discretionary  
22 spending under section 302(a) of the Con-  
23 gressional Budget Act of 1974 (2 U.S.C.  
24 633(a)); or

1                   “(ii) the suballocations of appropria-  
2                   tions committees under section 302(b) of  
3                   that Act.

4                   “(B) ADJUSTMENTS.—Proper adjustment  
5                   shall be made in amounts subsequently trans-  
6                   ferred to the extent prior estimates were in ex-  
7                   cess of or less than the amounts required to be  
8                   transferred.

9                   “(q) PROGRAM REVIEW.—

10                   “(1) COMPREHENSIVE STUDY.—Not later than  
11                   5 years after the date of enactment of this section,  
12                   and every 5 years thereafter, the Secretary shall  
13                   carry out a comprehensive study to evaluate the ef-  
14                   fects of the implementation of this section.

15                   “(2) REPORT.—Not later than January 1,  
16                   2017, the Secretary shall submit to Congress a re-  
17                   port that includes—

18                   “(A) the results of the comprehensive  
19                   study carried out under paragraph (1);

20                   “(B) recommendations for any modifica-  
21                   tion or improvement resulting from that study;  
22                   and

23                   “(C) an evaluation of—

24                   “(i) the effectiveness of this section  
25                   in—

1                   “(I) increasing the market pene-  
2                   tration of eligible clean energy tech-  
3                   nologies; and

4                   “(II) lowering the cost of the eli-  
5                   gible clean energy technologies;

6                   “(ii) any opportunities for the devel-  
7                   opment and deployment of additional clean  
8                   energy technologies that have been created  
9                   after the date of enactment of this section;

10                  “(iii) the impact of this section on the  
11                  regional diversity and reliability of supply  
12                  sources (including the power quality bene-  
13                  fits of distributed generation);

14                  “(iv) the regional resource develop-  
15                  ment carried out under this section relative  
16                  to the potential of each region to develop  
17                  and use clean energy technologies, includ-  
18                  ing any reasons for any underinvestment  
19                  in clean energy resources;

20                  “(v) the costs and benefits of the  
21                  clean energy standard established under  
22                  this section to the economies of each state  
23                  and the united states, including—

24                               “(I) retail power costs;

1                   “(II) economic development bene-  
2                   fits of investment;

3                   “(III) avoided costs relating to  
4                   environmental and congestion mitiga-  
5                   tion investments that would otherwise  
6                   have been incurred;

7                   “(IV) the impact on the demand  
8                   and price of natural gas; and

9                   “(V) the effectiveness of green  
10                  marketing programs at reducing the  
11                  cost of clean energy resources;

12                  “(vi) the efficiency of the coordination  
13                  between the Secretary and States in the  
14                  implementation of this section, in par-  
15                  ticular, with regard to those States that  
16                  have additional portfolio standard require-  
17                  ments in place; and

18                  “(vii) the ability of the State to apply  
19                  for a waiver of the requirements of this  
20                  section under subsection (s).

21                  “(r) IMPLEMENTATION OF STUDY.—Not later than  
22                  180 days after the date of completion of the study carried  
23                  out by the Secretary under subsection (q)(1), the Sec-  
24                  retary shall, by regulation, implement each modification

1 included in the study that, as determined by the Secretary,  
2 is necessary—

3 “(1) to improve the efficiency of activities car-  
4 ried out under this section; and

5 “(2) to maximize the use of clean energy under  
6 this section.

7 “(s) WAIVER OF REQUIREMENTS.—

8 “(1) APPLICATION.—Not later than 1 year  
9 after the date of enactment of this section, any State  
10 that has reason to believe that the cost of complying  
11 with this section shall cause undue economic hard-  
12 ship to the ultimate purchasers of electricity in the  
13 State (including manufacturing and industrial users  
14 of electricity in the State) may apply to the Sec-  
15 retary for a waiver from the requirement to comply  
16 with this section for retail electric suppliers selling  
17 electricity to end-use customers located in the State.

18 “(2) REQUIREMENTS FOR WAIVER.—The Sec-  
19 retary shall grant the application of the State under  
20 paragraph (1) if the Secretary determines that com-  
21 plying with this section is likely to cause undue eco-  
22 nomic hardship to the ultimate purchasers of elec-  
23 tricity in the State.

1           “(3) DETERMINATION OF THE SECRETARY.—In  
2 making a determination to grant a waiver under  
3 paragraph (2), the Secretary shall consider—

4           “(A) the adequacy of commercially avail-  
5 able clean energy resources located within the  
6 State;

7           “(B) the potential clean energy resources  
8 available within the region that includes the  
9 State;

10          “(C) the cost of developing those resources  
11 at current and reasonably expected levels of  
12 technology (including the cost and availability  
13 of existing and needed transmission facilities to  
14 transmit electric energy from the location of the  
15 clean energy resources to the consumers of elec-  
16 tric energy within the State); and

17          “(D) the economic and associated impacts  
18 of those costs on the ultimate purchasers lo-  
19 cated within the State.

20          “(4) LIMITATIONS.—

21          “(A) IN GENERAL.—If the Secretary deter-  
22 mines to grant a waiver under paragraph (2),  
23 the waiver may be granted for a period of not  
24 more than 3 years.

25          “(B) ADDITIONAL WAIVERS.—

1                   “(i) FACTORS.—If a State that has  
2                   been granted a waiver under subparagraph  
3                   (A) submits an application for an addi-  
4                   tional waiver, the Secretary shall make a  
5                   determination on the application on the  
6                   basis of the factors described in paragraph  
7                   (3).

8                   “(ii) PERIOD.—If the Secretary  
9                   grants a waiver to a State that has been  
10                  previously granted a waiver under subpara-  
11                  graph (A), the waiver may be granted for  
12                  a period of 2 additional years.

13                  “(iii) NUMBER OF ADDITIONAL WAIV-  
14                  ERS.—No State that has applied for a  
15                  waiver under clause (i) may apply for any  
16                  additional waivers.”.

17 **SEC. 104. NUCLEAR FUEL MANAGEMENT AND DISPOSAL.**

18                  (a) DEFINITIONS.—In this section:

19                   (1) DISPOSAL.—The term “disposal” has the  
20                   meaning given the term in section 2 of the Nuclear  
21                   Waste Policy Act of 1982 (42 U.S.C. 10101).

22                   (2) HIGH-LEVEL RADIOACTIVE WASTE.—The  
23                   term “high-level radioactive waste” has the meaning  
24                   given the term in section 2 of the Nuclear Waste  
25                   Policy Act of 1982 (42 U.S.C. 10101).

1           (3) PROJECT.—The term “Project” means the  
2 Yucca Mountain Project.

3           (4) REPOSITORY.—The term “repository” has  
4 the meaning given the term in section 2 of the Nu-  
5 clear Waste Policy Act of 1982 (42 U.S.C. 10101).

6           (5) SECRETARY.—The term “Secretary” means  
7 the Secretary of Energy.

8           (6) SPENT NUCLEAR FUEL.—The term “spent  
9 nuclear fuel” has the meaning given the term in sec-  
10 tion 2 of the Nuclear Waste Policy Act of 1982 (42  
11 U.S.C. 10101).

12           (7) YUCCA MOUNTAIN SITE.—The term “Yucca  
13 Mountain site” has the meaning given the term in  
14 section 2 of the Nuclear Waste Policy Act of 1982  
15 (42 U.S.C. 10101).

16 (b) WITHDRAWAL OF LAND.—

17           (1) LAND WITHDRAWAL; JURISDICTION; RES-  
18 ERVATION; ACQUISITION.—

19           (A) LAND WITHDRAWAL.—Subject to valid  
20 existing rights, and except as otherwise pro-  
21 vided in this section, the land described in para-  
22 graph (2) is withdrawn permanently from any  
23 form of entry, appropriation, or disposal under  
24 the public land laws, including, without limita-  
25 tion—

- 1 (i) the mineral leasing laws;
- 2 (ii) the geothermal leasing laws;
- 3 (iii) materials sales laws; and
- 4 (iv) the mining laws.

5 (B) JURISDICTION.—As of the date of en-  
6 actment of this Act, any land described in para-  
7 graph (2) that is under the jurisdiction of the  
8 Secretary of the Air Force or the Secretary of  
9 the Interior shall be—

- 10 (i) transferred to the Secretary; and
- 11 (ii) under the jurisdiction of the Sec-  
12 retary.

13 (C) RESERVATION.—The land described in  
14 paragraph (2) is reserved for use by the Sec-  
15 retary for activities associated with the disposal  
16 of high-level radioactive waste and spent nu-  
17 clear fuel under the Nuclear Waste Policy Act  
18 of 1982 (42 U.S.C. 10101 et seq.), including—

- 19 (i) development;
- 20 (ii) preconstruction testing and per-  
21 formance confirmation;
- 22 (iii) licensing;
- 23 (iv) construction;
- 24 (v) management and operation;
- 25 (vi) monitoring;

1 (vii) closure and post-closure; and  
2 (viii) other such activities associated  
3 with the disposal of high-level radioactive  
4 waste and spent nuclear fuel under the  
5 Nuclear Waste Policy Act of 1982 (42  
6 U.S.C. 10101 et seq.).

7 (2) LAND DESCRIPTION.—

8 (A) BOUNDARIES.—The land referred to in  
9 paragraph (1) is the approximately 147,000  
10 acres of land located in Nye County, Nevada, as  
11 generally depicted on the map relating to the  
12 Project, numbered YMP-03-024.2, entitled  
13 “Proposed Land Withdrawal”, and dated July  
14 21, 2005.

15 (B) LEGAL DESCRIPTION AND MAP.—

16 (i) IN GENERAL.—As soon as prac-  
17 ticable after the date of enactment of this  
18 Act, the Secretary of the Interior shall—

19 (I) publish in the Federal Reg-  
20 ister a notice containing a legal de-  
21 scription of the land described in this  
22 paragraph; and

23 (II) provide to Congress, the  
24 Governor of the State of Nevada, and  
25 the Archivist of the United States—

1 (aa) a copy of the map re-  
2 ferred to in subparagraph (A);  
3 and

4 (bb) the legal description of  
5 the land.

6 (ii) TREATMENT.—

7 (I) IN GENERAL.—The map and  
8 legal description referred to in clause  
9 (i) shall have the same force and ef-  
10 fect as if the map and legal descrip-  
11 tion were included in this section.

12 (II) TECHNICAL CORRECTIONS.—  
13 The Secretary of the Interior may cor-  
14 rect any clerical or typographical error  
15 in the map and legal description re-  
16 ferred to in clause (i).

17 (3) REVOCATIONS.—

18 (A) PUBLIC LAND ORDER.—Public Land  
19 Order 6802, dated September 25, 1990 (as ex-  
20 tended by Public Land Order 7534), and any  
21 condition or memorandum of understanding ac-  
22 companying the land order (as so extended), is  
23 revoked.

24 (B) RIGHT OF WAY.—The rights-of-way  
25 reservations relating to the Project, numbered

1 N-48602 and N-47748 and dated January 5,  
2 2001, are revoked.

3 (4) MANAGEMENT OF WITHDRAWN LAND.—

4 (A) IN GENERAL.—The Secretary, in con-  
5 sultation with the Secretary of the Air Force  
6 and the Secretary of the Interior, as appro-  
7 priate, shall manage the land withdrawn under  
8 paragraph (1)(A) in accordance with—

9 (i) the Federal Land Policy and Man-  
10 agement Act of 1976 (43 U.S.C. 1701 et  
11 seq.);

12 (ii) this Act; and

13 (iii) other applicable laws.

14 (B) MANAGEMENT PLAN.—

15 (i) DEVELOPMENT.—Not later than 3  
16 years after the date of enactment of this  
17 Act, the Secretary, in consultation with the  
18 Secretary of the Air Force and the Sec-  
19 retary of the Interior, as appropriate, shall  
20 develop and submit to Congress and the  
21 State of Nevada a management plan for  
22 the use of the land withdrawn under sub-  
23 section (b)(1)(A).

24 (ii) PRIORITY.—Subject to clauses  
25 (iii), (iv), and (v), use of the land with-

1 drawn under paragraph (1)(A) for an ac-  
2 tivity not relating to the Project shall be  
3 subject to such conditions and restrictions  
4 as the Secretary considers to be appro-  
5 priate to facilitate activities relating to the  
6 Project.

7 (iii) AIR FORCE USE.—The manage-  
8 ment plan may provide for the continued  
9 use by the Department of the Air Force of  
10 the portion of the land withdrawn under  
11 paragraph (1)(A) located within the Nellis  
12 Air Force base test and training range  
13 under such terms and conditions as may be  
14 agreed to by the Secretary and the Sec-  
15 retary of the Air Force.

16 (iv) NEVADA TEST SITE USE.—The  
17 management plan may provide for the con-  
18 tinued use by the National Nuclear Secu-  
19 rity Administration of the portion of the  
20 land withdrawn under subsection (b)(1)(A)  
21 located within the Nevada test site of the  
22 Administration under such conditions as  
23 the Secretary considers to be necessary to  
24 minimize any effect on activities relating to

1 the Project or other activities of the Ad-  
2 ministration.

3 (v) OTHER USES.—

4 (I) IN GENERAL.—The manage-  
5 ment plan shall include provisions—

6 (aa) relating to the mainte-  
7 nance of wildlife habitat on the  
8 land withdrawn under paragraph  
9 (1)(A); and

10 (bb) under which the Sec-  
11 retary may permit any use not  
12 relating to the Project, as the  
13 Secretary considers to be appro-  
14 priate, in accordance with the re-  
15 quirements under subclause (II).

16 (II) REQUIREMENTS.—

17 (aa) GRAZING.—The Sec-  
18 retary may permit any grazing  
19 use to continue on the land with-  
20 drawn under paragraph (1)(A) if  
21 the grazing use was established  
22 before the date of enactment of  
23 this Act, subject to such regula-  
24 tions, policies, and practices as  
25 the Secretary, in consultation

1 with the Secretary of the Inte-  
2 rior, determines to be appro-  
3 priate, and in accordance with  
4 applicable grazing laws and poli-  
5 cies, including—

6 (AA) the Act of June  
7 28, 1934 (commonly known  
8 as the “Taylor Grazing  
9 Act”) (43 U.S.C. 315 et  
10 seq.);

11 (BB) title IV of the  
12 Federal Land Policy Man-  
13 agement Act of 1976 (43  
14 U.S.C. 1751 et seq.); and

15 (CC) the Public Range-  
16 lands Improvement Act of  
17 1978 (43 U.S.C. 1901 et  
18 seq.).

19 (bb) HUNTING AND TRAP-  
20 PING.—The Secretary may per-  
21 mit any hunting or trapping use  
22 to continue on the land with-  
23 drawn under paragraph (1)(A) if  
24 the hunting or trapping use was  
25 established before the date of en-

1 actment of this Act, at such time  
2 and in such zones as the Sec-  
3 retary, in consultation with the  
4 Secretary of the Interior and the  
5 State of Nevada, may establish,  
6 taking into consideration public  
7 safety, national security, adminis-  
8 tration, and public use and enjoy-  
9 ment of the land.

10 (vi) PUBLIC ACCESS.—

11 (I) IN GENERAL.—The manage-  
12 ment plan may provide for limited  
13 public access to the portion of the  
14 land withdrawn under paragraph  
15 (1)(A) that was under the control of  
16 the Bureau of Land Management on  
17 the day before the date of enactment  
18 of this Act.

19 (II) SPECIFIC USES.—The man-  
20 agement plan may permit public uses  
21 of the land relating to the Nye County  
22 Early Warning Drilling Program, util-  
23 ity corridors, and other uses the Sec-  
24 retary, in consultation with the Sec-  
25 retary of the Interior, considers to be

1                   consistent with the purposes of the  
2                   withdrawal under paragraph (1)(A).

3                   (C) MINING.—

4                   (i) IN GENERAL.—Surface and sub-  
5                   surface mining and oil and gas production,  
6                   including slant drilling from outside the  
7                   boundaries of the land withdrawn under  
8                   paragraph (1)(A), shall be prohibited at  
9                   any time on or under the land.

10                  (ii) EVALUATION OF CLAIMS.—The  
11                  Secretary of the Interior shall evaluate and  
12                  adjudicate the validity of any mining claim  
13                  relating to any portion of the land with-  
14                  drawn under paragraph (1)(A) that was  
15                  under the control of the Bureau of Land  
16                  Management on the day before the date of  
17                  enactment of this Act.

18                  (iii) COMPENSATION.—The Secretary  
19                  shall provide just compensation for the ac-  
20                  quisition of any valid property right relat-  
21                  ing to mining pursuant to the withdrawal  
22                  under paragraph (1)(A).

23                  (D) CLOSURES.—If the Secretary, in con-  
24                  sultation with the Secretary of the Air Force  
25                  and the Secretary of the Interior, as appro-

1           appropriate, determines that the health and safety of  
2           the public or the national defense and security  
3           require the closure of a road, trail, or other por-  
4           tion of the land withdrawn under paragraph  
5           (1)(A) (including the airspace above the land),  
6           the Secretary—

7                     (i) may close the road, trail, or por-  
8                     tion of land (including airspace); and

9                     (ii) shall provide to the public a notice  
10                    of the closure.

11           (E) IMPLEMENTATION.—The Secretary  
12           and the Secretary of the Air Force or the Sec-  
13           retary of the Interior, as appropriate, shall im-  
14           plement the management plan developed under  
15           subparagraph (B) under such terms and condi-  
16           tions as may be agreed to by the Secretaries.

17           (c) RECEIPT AND STORAGE FACILITIES.—Section  
18           114(b) of the Nuclear Waste Policy Act of 1982 (42  
19           U.S.C. 10134(b)) is amended—

20                     (1) by striking “If the President” and inserting  
21                     the following:

22                     “(1) IN GENERAL.—If the President”; and

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

24                     “(2) APPLICATION FOR RECEIPT AND STORAGE  
25                     FACILITIES.—

1           “(A) IN GENERAL.—In conjunction with  
2           the submission of an application for a construc-  
3           tion authorization under this subsection, the  
4           Secretary shall apply to the Commission for a  
5           license in accordance with part 72 of title 10,  
6           Code of Federal Regulations (or a successor  
7           regulation), to construct and operate facilities  
8           to receive and store spent nuclear fuel and  
9           high-level radioactive waste at the Yucca Moun-  
10          tain site.

11           “(B) DEADLINE FOR FINAL DECISION BY  
12          COMMISSION.—The Commission shall issue a  
13          final decision approving or disapproving the  
14          issuance of the license not later than 18 months  
15          after the date of submission of the application  
16          to the Commission.”.

17          (d) REPEAL OF CAPACITY LIMITATION.—Section  
18          114(d) of the Nuclear Waste Policy Act of 1982 (42  
19          U.S.C. 10134(d)) is amended by striking the second and  
20          third sentences.

21          (e) INFRASTRUCTURE ACTIVITIES.—Section 114 of  
22          the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134)  
23          is amended by adding at the end the following:

24          “(g) INFRASTRUCTURE ACTIVITIES.—

1           “(1) CONSTRUCTION OF CONNECTED FACILI-  
2           TIES.—At any time after the completion by the Sec-  
3           retary of a final environmental impact statement  
4           that evaluates the activities to be performed under  
5           this subsection, the Secretary may commence the  
6           following activities in connection with any activity or  
7           facility licensed or to be licensed by the Commission  
8           at the Yucca Mountain site:

9                   “(A) Preparation of the site for construc-  
10                  tion of the facility (including such activities as  
11                  clearing, grading, and construction of tem-  
12                  porary access roads and borrow areas).

13                  “(B) Installation of temporary construc-  
14                  tion support facilities (including such items as  
15                  warehouse and shop facilities, utilities, concrete  
16                  mixing plants, docking and unloading facilities,  
17                  and construction support buildings).

18                  “(C) Excavation for facility structures.

19                  “(D) Construction of service facilities (in-  
20                  cluding such facilities as roadways, paving, rail-  
21                  road spurs, fencing, exterior utility and lighting  
22                  systems, transmission lines, and sanitary sewer-  
23                  age treatment facilities).

24                  “(E) Construction of structures, systems,  
25                  and components that do not prevent or mitigate

1 the consequences of possible accidents that  
2 could cause undue risk to the health and safety  
3 of the public.

4 “(F) Installation of structural foundations  
5 (including any necessary subsurface prepara-  
6 tion) for structures, systems, and components  
7 that prevent or mitigate the consequences of  
8 possible accidents that could cause undue risk  
9 to the health and safety of the public.

10 “(2) AUTHORIZATION TO RECEIVE AND  
11 STORE.—

12 “(A) DEFINITIONS.—In this paragraph:

13 “(i) DEFENSE WASTE.—The term ‘de-  
14 fense waste’ means high-level radioactive  
15 waste, and spent nuclear fuel, that results  
16 from an atomic energy defense activity.

17 “(ii) LEGACY SPENT NUCLEAR  
18 FUEL.—The term ‘legacy spent nuclear  
19 fuel’ means spent nuclear fuel—

20 “(I) that is subject to a contract  
21 entered into pursuant to section 302;  
22 and

23 “(II) for which the Secretary de-  
24 termines that there is not at the time  
25 of the determination, and will not be

1                   within a reasonable time after the de-  
2                   termination, sufficient domestic capac-  
3                   ity available to recycle the spent nu-  
4                   clear fuel.

5                   “(B) AUTHORIZATION FOR DEFENSE  
6                   WASTE.—At any time after the issuance of a li-  
7                   cense for receipt and storage facilities under  
8                   subsection (b)(2), the Secretary may transport  
9                   defense waste to receipt and storage facilities at  
10                  the Yucca Mountain site.

11                  “(C) AUTHORIZATION FOR LEGACY SPENT  
12                  NUCLEAR FUEL.—At any time after the  
13                  issuance of a construction authorization under  
14                  subsection (d) and the issuance of a license for  
15                  receipt and storage facilities under subsection  
16                  (b)(2), the Secretary may receive and store leg-  
17                  acy spent nuclear fuel and high-level radioactive  
18                  waste at the Yucca Mountain site.”.

19                  (f) RAIL LINE.—

20                  (1) CONSTRUCTION OF RAIL LINE.—The Sec-  
21                  retary shall acquire rights-of-way within the corridor  
22                  designated in paragraph (2) in accordance with this  
23                  subsection, and shall construct and operate, or cause  
24                  to be constructed and operated, a railroad and such  
25                  facilities as are required to transport spent nuclear

1 fuel and high-level radioactive waste from existing  
2 rail systems to the site of surface facilities within  
3 the geologic repository operations area for the re-  
4 ceipt, handling, packaging, and storage of spent nu-  
5 clear fuel and high-level radioactive waste prior to  
6 emplacement.

7 (2) ACQUISITION AND WITHDRAWAL OF  
8 LAND.—

9 (A) ROUTE DESIGNATION AND ACQUI-  
10 TION.—

11 (i) RIGHTS-OF-WAY AND FACILI-  
12 TIES.—The Secretary shall acquire such  
13 rights-of-way and develop such facilities  
14 within the corridor referred to as “X” on  
15 the map dated [————] and on file with  
16 the Secretary as are necessary to carry out  
17 paragraph (1).

18 (ii) RECOMMENDATIONS.—The Sec-  
19 retary shall consider specific alignment  
20 proposals for the route for the corridor  
21 made by the State of Nevada and the units  
22 of local government within whose jurisdic-  
23 tion the route is proposed to pass.

1 (iii) NOTICE AND DESCRIPTION.—Not  
2 later than 180 days after the date of en-  
3 actment of this Act, the Secretary shall—

4 (I) publish in the Federal Reg-  
5 ister a notice containing a legal de-  
6 scription of the corridor; and

7 (II) file copies of the map re-  
8 ferred to in clause (i) and the legal  
9 description of the corridor with—

10 (aa) Congress;

11 (bb) the Secretary of the In-  
12 terior;

13 (cc) the Governor of the  
14 State of Nevada;

15 (dd) the Board of County  
16 Commissioners of Lincoln Coun-  
17 ty, Nevada;

18 (ee) the Board of County  
19 Commissioners of Nye County,  
20 Nevada; and

21 (ff) the Archivist of the  
22 United States.

23 (iv) ADMINISTRATION.—

24 (I) EFFECT.—The map and legal  
25 description referred to in clause (iii)

1 shall have the same force and effect  
2 as if the map and legal description  
3 were included in this Act.

4 (II) CORRECTIONS.—The Sec-  
5 retary may correct clerical and typo-  
6 graphical errors in the map and legal  
7 description and make minor adjust-  
8 ments in the boundaries of the cor-  
9 ridor.

10 (B) WITHDRAWAL AND RESERVATION.—

11 (i) PUBLIC LAND.—Subject to valid  
12 existing rights, the public land depicted on  
13 the map referred to in subparagraph  
14 (A)(iii) is withdrawn from all forms of  
15 entry, appropriation, and disposal under  
16 the public land laws, including the mineral  
17 leasing laws, the geothermal laws, the ma-  
18 terial sale laws, and the mining laws.

19 (ii) ADMINISTRATIVE JURISDIC-  
20 TION.—Administrative jurisdiction over the  
21 land is transferred from the Secretary of  
22 the Interior to the Secretary.

23 (iii) RESERVATION.—The land is re-  
24 served for the use of the Secretary for the  
25 construction and operation of transpor-

1           tation facilities and associated activities  
2           under title I of the Nuclear Waste Policy  
3           Act of 1982 (42 U.S.C. 10121 et seq.)

4           (iv) MEMORANDUM OF UNDER-  
5           STANDING.—The Secretary may also enter  
6           into a memorandum of understanding with  
7           the head of any other agency having ad-  
8           ministrative jurisdiction over other Federal  
9           land used for purposes of the corridor re-  
10          ferred to in subparagraph (A)(i).

11          (3) ENVIRONMENTAL IMPACT.—

12           (A) IN GENERAL.—The Secretary shall  
13           comply with all applicable requirements under  
14           the National Environmental Policy Act of 1969  
15           (42 U.S.C. 4321 et seq.) with respect to activi-  
16           ties carried out under this subsection.

17           (B) CONSIDERATION OF POTENTIAL IM-  
18           PACTS.—To the extent a Federal agency is re-  
19           quired to consider the potential environmental  
20           impact of an activity carried out under this sub-  
21           section, the Federal agency shall adopt, to the  
22           maximum extent practicable, an environmental  
23           impact statement prepared under this sub-  
24           section.

1           (C) EFFECT OF ADOPTION OF STATE-  
2           MENT.—The adoption by a Federal agency of  
3           an environmental impact statement under sub-  
4           paragraph (B) shall be considered to satisfy the  
5           responsibilities of the Federal agency under the  
6           National Environmental Policy Act of 1969 (42  
7           U.S.C. 4321 et seq.), and no further consider-  
8           ation under that Act shall be required by the  
9           Federal agency.

10          (g) NEW PLANT CONTRACTS.—Section 302(a) of the  
11          Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a))  
12          is amended by striking paragraph (5) and inserting the  
13          following:

14                 “(5) REQUIRED PROVISIONS.—

15                         “(A) IN GENERAL.—Except as provided in  
16                         subparagraph (B), any contract entered into  
17                         under this section shall provide that—

18                                 “(i) following issuance of a license to  
19                                 construct and operate facilities to receive  
20                                 and store spent nuclear fuel at the Yucca  
21                                 Mountain site, the Secretary shall take  
22                                 title to the high-level radioactive waste or  
23                                 spent nuclear fuel involved as expeditiously  
24                                 as practicable upon the request of the gen-

1 erator or owner of such waste or spent  
2 fuel; and

3 “(ii) in return for the payment of fees  
4 established by this section, the Secretary,  
5 beginning not later than January 31,  
6 1998, shall dispose of the high-level radio-  
7 active waste or spent nuclear fuel involved  
8 as provided in this subtitle.

9 “(B) EXCEPTION.—Notwithstanding sub-  
10 paragraph (A), with respect to a nuclear power  
11 facility for which a license application is filed  
12 with the Commission after January 1, 2008,  
13 under section 103 or 104 of the Atomic Energy  
14 Act of 1954 (42 U.S.C. 2133, 2134), a contract  
15 entered into under this section shall—

16 “(i) except as provided in clause (ii)  
17 and any terms and conditions relating to  
18 spent nuclear fuel generated before the  
19 date of enactment of the Nuclear Fuel  
20 Management and Disposal Act, be con-  
21 sistent with the terms and conditions of  
22 the contract entitled ‘Contract for Disposal  
23 of Spent Nuclear Fuel and/or High-Level  
24 Radioactive Waste’ that is included in sec-  
25 tion 961.11 of title 10 of the Code of Fed-

1 eral Regulations (as in effect on the date  
2 of enactment of the Nuclear Fuel Manage-  
3 ment and Disposal Act);

4 “(ii) provide for the taking of title to,  
5 and removal of, high-level waste or spent  
6 nuclear fuel beginning not later than 25  
7 years after the date on which the nuclear  
8 power facility begins commercial oper-  
9 ations; and

10 “(iii) be entered into not later than 60  
11 days after the date on which the license  
12 application is docketed by the Commis-  
13 sion.”.

14 (h) NUCLEAR WASTE FUND.—

15 (1) BUDGET ACT ALLOCATIONS.—Effective for  
16 fiscal year 2008 and each fiscal year thereafter,  
17 funds appropriated from the Nuclear Waste Fund  
18 established under section 302 of the Nuclear Waste  
19 Policy Act of 1982 (42 U.S.C. 10222) shall not be  
20 subject to—

21 (A) the allocations for discretionary spend-  
22 ing under section 302(a) of the Congressional  
23 Budget Act of 1974 (2 U.S.C. 633(a)); or

24 (B) the suballocations of appropriations  
25 committees under section 302(b) of that Act.

1           (2) FUND USES.—Section 302(d)(4) of the Nu-  
2 clear Waste Policy Act of 1982 (42 U.S.C.  
3 10222(d)(4)) is amended by striking “with” and all  
4 that follows through “storage site” and inserting  
5 “with surface facilities within the geologic repository  
6 operations area (including surface facilities for the  
7 receipt, handling, packaging, and storage of spent  
8 nuclear fuel and high-level radioactive waste prior to  
9 emplacement, or transportation to the repository of  
10 spent nuclear fuel or high-level radioactive waste to  
11 surface facilities for the receipt, handling, pack-  
12 aging, and storage of spent nuclear fuel and high-  
13 level radioactive waste prior to emplacement and the  
14 transportation, treating, or packaging of spent nu-  
15 clear fuel or high-level radioactive waste to be dis-  
16 posed of in the repository, to be stored in a mon-  
17 itored retrievable storage site),”.

18           (3) BUDGET NEUTRALITY.—As soon as prac-  
19 ticable after the date of enactment of this Act, the  
20 Chairperson of the Committee on the Budget of the  
21 House of Representatives and the Chairperson of the  
22 Committee on Budget of the Senate shall make ad-  
23 justments in the allocation of new budget authority  
24 to the appropriate committees in amounts equal to  
25 the fees reclassified by paragraph (1).

1 (i) WASTE CONFIDENCE.—For purposes of a deter-  
2 mination by the Nuclear Regulatory Commission on  
3 whether to grant or amend any license to operate any civil-  
4 ian nuclear power reactor or high-level radioactive waste  
5 or spent fuel storage or treatment facility under the Atom-  
6 ic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the provi-  
7 sions of this Act (including the amendments made by this  
8 Act) and the obligation of the Secretary to develop a re-  
9 pository in accordance with the Nuclear Waste Policy Act  
10 of 1982 (42 U.S.C. 10101 et seq.), shall provide sufficient  
11 and independent grounds for any further findings by the  
12 Nuclear Regulatory Commission of reasonable assurances  
13 that spent nuclear fuel and high-level radioactive waste  
14 would be disposed of safely and in a timely manner.

15 **SEC. 105. ADVANCED COAL GENERATION.**

16 (a) FUTUREGEN FACILITY.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) CONSORTIUM.—The term “Consortium” means the consortium described in para-  
19 graph (3).  
20

21 (B) FACILITY.—The term “Facility”  
22 means the FutureGen Facility authorized under  
23 paragraph (2).

24 (2) AUTHORIZATION OF FACILITY.—The Sec-  
25 retary shall construct a facility, to be known as the

1 “FutureGen Facility”, to demonstrate the feasibility  
2 of integrating commercial-scale gasification com-  
3 bined cycle power plant technologies with advanced  
4 clean coal energy technologies, including through the  
5 capture and sequestration of carbon dioxide in geo-  
6 logical formations.

7 (3) COOPERATIVE AGREEMENT.—The Secretary  
8 shall enter into a cooperative agreement with a non-  
9 profit consortium of domestic and international coal-  
10 fueled power producers, domestic and international  
11 coal companies, and other interested parties to pro-  
12 vide for the financing of the Facility.

13 (4) OBJECTIVES.—The Secretary shall establish  
14 objectives for the Facility, including objectives pro-  
15 viding for—

16 (A) the operation of the Facility by cal-  
17 endar year 2012;

18 (B) the Facility to be designed in a man-  
19 ner—

20 (i) to achieve—

21 (I) at least a 99-percent reduc-  
22 tion in sulfur dioxide emissions,; and

23 (II) at least a 90-percent reduc-  
24 tion in mercury emissions based on  
25 the mercury content of coal;

1 (ii) to emit—

2 (I) not more than 0.05 pounds of  
3 nitrogen oxide emissions per million  
4 Btu; and

5 (II) not more than 0.005 pounds  
6 of total particulate emissions in the  
7 flue gas per million Btu;

8 (iii) to capture and permanently se-  
9 quester at least 1,000,000 metric tons per  
10 year of carbon dioxide in geological forma-  
11 tions;

12 (iv) to determine whether the tech-  
13 nologies used by the Facility apply to var-  
14 ious coal types; and

15 (v) to assess the feasibility of elec-  
16 tricity generation from coal using advanced  
17 clean coal technology with carbon capture  
18 and sequestration at a cost that is not  
19 greater than 110 percent of the average  
20 cost of operation of commercial integrated  
21 coal gasification combined cycle electricity  
22 generating plant operating in the United  
23 States as of the date of enactment of this  
24 Act; and

1 (C) the completion of an environmental im-  
2 pact statement for the Facility by not later  
3 than September 30, 2007.

4 (5) SYSTEM INTEGRATION.—To reduce tech-  
5 nical risk and focus development efforts on system  
6 integration, the Secretary shall, to the maximum ex-  
7 tent practicable, ensure that the Facility is designed  
8 in a manner to use, as appropriate—

9 (A) available advanced clean coal tech-  
10 nology; and

11 (B) first-of-a-kind technology systems and  
12 components.

13 (6) DATA PROTECTION.—Section 402(h) of the  
14 Energy Policy Act of 2005 (42 U.S.C. 15962(h))  
15 shall apply to the dissemination of information col-  
16 lected by the Facility.

17 (7) COST-SHARING REQUIREMENT.—

18 (A) FEDERAL SHARE.—

19 (i) IN GENERAL.—The Federal share  
20 of the total costs of constructing the Facil-  
21 ity shall be not more than 74 percent.

22 (ii) CONTRIBUTIONS FROM OTHER  
23 COUNTRIES.—The Secretary may credit to-  
24 ward the Federal share contributions for

1 the Facility received by the Secretary from  
2 other countries.

3 (B) NON-FEDERAL SHARE.—

4 (i) IN GENERAL.—The non-Federal  
5 share shall be paid by the Consortium.

6 (ii) SOURCE OF FUNDS.—To pay the  
7 non-Federal share, the Consortium may  
8 use amounts made available to the Consor-  
9 tium by States, technology providers, and  
10 other non-Federal entities.

11 (8) TITLE TO FACILITY.—

12 (A) CONVEYANCE TO CONSORTIUM.—The  
13 Secretary may convey to the Consortium title to  
14 the Facility—

15 (i) on a determination by the Sec-  
16 retary that the conveyance would best ac-  
17 complish the objectives established for the  
18 Facility under paragraph (4); or

19 (ii) on the date on which the dem-  
20 onstration activities under this subsection  
21 are terminated.

22 (B) CONVEYANCE TO SECRETARY.—The  
23 Secretary may agree to take title to the Facility  
24 if the Secretary determines that the Consortium

1           has insufficient funds to construct or operate  
2           the Facility.

3           (9) AUTHORIZATION OF APPROPRIATIONS.—

4           There are authorized to be appropriated to the Sec-  
5           retary to carry out this subsection—

6                   (A) \$108,000,000 for fiscal year 2008;

7                   (B) \$233,000,000 for fiscal year 2009;

8                   (C) \$233,000,000 for fiscal year 2010;

9                   (D) \$233,000,000 for fiscal year 2011;

10                   (E) \$92,000,000 for fiscal year 2012; and

11                   (F) such sums as are necessary for each of  
12           fiscal years 2013 through 2017.

13           (b) DEPLOYMENT OF ADVANCED COAL GENERATION  
14           UNITS.—

15                   (1) DEFINITIONS.—In this subsection:

16                           (A) AIR SEPARATION UNIT.—The term  
17                           “air separation unit” means a technology capa-  
18                           ble of using ambient air to separate and con-  
19                           centrate a gas with 95 percent oxygen con-  
20                           centration for use in oxy fuel technology.

21                           (B) CAPTURE-READY.—The term “capture  
22                           ready” means the design of a new coal-fired  
23                           unit that reduces the cost of and facilitates the  
24                           addition of carbon dioxide separation and cap-

1           ture technologies after the unit has been placed  
2           into service.

3           (C) OXY FUEL.—The term “oxy fuel”  
4           means a coal-fired boiler that burns coal in an  
5           environment with a 95 percent oxygen con-  
6           centration.

7           (D) SUBCRITICAL PULVERIZED COAL  
8           UNIT.—The term “subcritical pulverized coal  
9           unit” means a coal-fired boiler that operates—

10           (i) at a pressure below 3,200 pounds  
11           per square inch; and

12           (ii) below a temperature of 1,025 de-  
13           grees Fahrenheit.

14           (E) SUPERCRITICAL PULVERIZED COAL  
15           UNIT.—The term “supercritical pulverized coal  
16           unit” means a coal-fired boiler that—

17           (i) reaches an electricity generating  
18           efficiency of from 37 percent to 40 percent  
19           (High Heating Value); and

20           (ii) operates at a minimum pressure  
21           of 3,500 pounds per square inch and a  
22           minimum temperature of 1,050 degrees  
23           Fahrenheit.

24           (F) ULTRASUPERCRITICAL PULVERIZED  
25           COAL UNIT.—The term “ultrasupercritical pul-

1 pulverized coal unit” means a coal-fired boiler  
2 that—

3 (i) reaches an electricity generating  
4 efficiency of more than 43 percent (High  
5 Heating Value); and

6 (ii) operates at a minimum pressure  
7 of 4,600 pounds per square inch and a  
8 minimum temperature of 1,110 degrees  
9 Fahrenheit.

10 (2) EXEMPTION FROM NEW SOURCE REVIEW.—

11 Effective beginning on the date of enactment of this  
12 section, any subcritical pulverized coal unit in exist-  
13 ence on the date of enactment of this Act that is re-  
14 built with a supercritical pulverized coal unit, or an  
15 ultrasupercritical pulverized coal unit, that includes  
16 post-combustion carbon dioxide capture technology  
17 or an oxy fuel pulverized coal unit shall be exempt  
18 from any new source review requirements under the  
19 Clean Air Act (42 U.S.C. 7401 et seq.) if—

20 (A) there is no appreciable increase in the  
21 rate of regulated emissions calculated by quan-  
22 tity of pollutants removed per ton of coal used;  
23 and

24 (B) the new unit does not—

1 (i) cause the area in which the unit is  
 2 located to deteriorate from an attainment  
 3 to a nonattainment area; or

4 (ii) alter the progress of the State in  
 5 achieving attainment under the applicable  
 6 State implementation plan.

7 (3) LOAN GUARANTEES FOR OXY FUEL AIR  
 8 SEPARATION UNITS AND AIR-BLOWN  
 9 ULTRASUPERCRITICAL PULVERIZED COAL UNITS  
 10 THAT ARE CAPTURE-READY.—Section 1703(b) of the  
 11 Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is  
 12 amended by adding at the end the following:

13 “(11) Air separation units and air-blown  
 14 ultrasupercritical pulverized coal units that are cap-  
 15 ture ready (as the terms are defined in section  
 16 105(b)(1) of the Clean, Reliable, Efficient and Se-  
 17 cure Energy Act).”.

## 18 **TITLE II—TRANSPORTATION** 19 **SECTOR**

### 20 **SEC. 201. AUTOMOBILE FUEL ECONOMY.**

21 (a) FUEL ECONOMY STANDARDS.—Section 32902 of  
 22 title 49, United States Code, is amended by striking sub-  
 23 sections (a) and (b) and inserting the following:

24 “(a) IN GENERAL.—Not later than 3 years before the  
 25 beginning of each model year, the Secretary of Transpor-

1 tation, by regulation, shall prescribe average fuel economy  
2 standards for automobiles manufactured by a manufac-  
3 turer for that model year in accordance with subsection  
4 (b).

5 “(b) STANDARDS BASED ON AUTOMOBILE CLASS-  
6 ES.—In prescribing average fuel economy standards under  
7 subsection (a), the Secretary of Transportation shall pre-  
8 scribe different standards for different classes of auto-  
9 mobiles, as determined by the product of the tire footprint  
10 and weight of the automobiles in each such class.”.

11 (b) ANNUAL INCREASES IN FUEL ECONOMY STAND-  
12 ARDS.—Section 32902(c) of title 49, United States Code,  
13 is amended to read as follows:

14 “(c) ANNUAL INCREASES IN FUEL ECONOMY STAND-  
15 ARDS.—(1) For the first model year subject to the require-  
16 ments of this subsection, the average fuel economy stand-  
17 ard for each class of automobile shall be the average com-  
18 bined highway and city miles per gallon performance of  
19 all automobiles within that class of automobiles during the  
20 previous model year (rounded up to the nearest 1/10 of  
21 a gallon).

22 “(2) Except as provided under paragraph (3), for  
23 each model year after the model year described in para-  
24 graph (1), the average fuel economy standard attained by  
25 each fleet of automobiles manufactured or sold in the

1 United States shall be not less than 4 percent higher than  
2 the average fuel economy for such fleet during the pre-  
3 vious model year.

4 “(3) The Secretary of Transportation may prescribe  
5 an average fuel economy standard for a class of auto-  
6 mobiles in a model year that is lower than the standard  
7 required under paragraph (2) if, in consultation with the  
8 National Academy of Sciences, the Secretary determines  
9 that a 4 percent increase in the average fuel economy  
10 standard for that class of automobiles in that model  
11 year—

12 “(A) is not technologically achievable; or

13 “(B) cannot be achieved without compromising  
14 safety.

15 “(4) Any average fuel economy standard prescribed  
16 for a class of automobiles in a model year that is lower  
17 than the standard required under paragraph (2) shall be  
18 the maximum standard that—

19 “(A) is technologically achievable; and

20 “(B) does not compromise passenger safety.”.

21 (c) INCENTIVES FOR AUTOMOBILE MANUFACTUR-  
22 ERS.—

23 (1) IN GENERAL.—Section 712(a) of the En-  
24 ergy Policy Act of 2005 (42 U.S.C. 16062(a)) is  
25 amended in the second sentence by striking “grants

1 to automobile manufacturers” and inserting “grants  
2 and loan guarantees under section 1703(b)(8) to  
3 automobile manufacturers and suppliers”.

4 (2) CONFORMING AMENDMENT.—Section  
5 1703(b) of the Energy Policy Act of 2005 (42  
6 U.S.C. 16513(b)) is amended by striking paragraph  
7 (8) and inserting the following:

8 “(8) For new or for the retooling of existing  
9 production facilities for the manufacture of fuel effi-  
10 cient vehicles or parts for fuel efficient vehicles, in-  
11 cluding electric drive transportation technology and  
12 advanced diesel vehicles.”.

13 (d) EFFECTIVE DATE.—The amendments made by  
14 this section—

15 (1) shall take effect on January 1 of the cal-  
16 endar year following the date of the enactment of  
17 this Act; and

18 (2) shall apply to automobiles manufactured in  
19 any model year beginning not less than 30 months  
20 after such effective date.

21 **SEC. 202. REPORT ON AVERAGE FUEL ECONOMY OF FED-**  
22 **ERAL FLEET.**

23 (a) IN GENERAL.—The Secretary shall annually sub-  
24 mit to the Committee on Energy and Natural Resources  
25 of the Senate and the Committee on Energy and Com-

1 merce of the House of Representatives a report that com-  
2 piles any information on the average fuel economy of light  
3 duty vehicles of each Federal agency (other than vehicles  
4 exempted under subsection (c)) collected by the Secretary  
5 during the applicable fiscal year under the Federal Energy  
6 Management Program.

7 (b) COMPONENTS.—The report submitted under sub-  
8 section (a) shall specify, with respect to each Federal  
9 agency—

10 (1) the number of dual fueled vehicles owned or  
11 leased by the Federal agency;

12 (2) the quantity of conventional gasoline used  
13 by the Federal agency during the preceding fiscal  
14 year;

15 (3) the quantity of renewable fuel used by the  
16 Federal agency during the preceding fiscal year;

17 (4) the number of vehicles purchased or leased  
18 during the preceding fiscal year;

19 (5) the fuel economy of newly-purchased and  
20 newly-leased vehicles; and

21 (6) the estimated time period, and the number  
22 of new vehicles needed to be purchased or leased, in  
23 order to achieve fuel efficiency requirements.

24 (c) EXEMPTION.—The Secretary shall exclude from  
25 the report any vehicles of the Department of Defense that

1 the Secretary of Defense determines would compromise  
2 national security interests by reporting such figures pub-  
3 licly.

4 (d) AVAILABILITY.—The report submitted under sub-  
5 section (a) shall be made available for inspection by the  
6 public.

7 **SEC. 203. TRAFFIC SIGNAL COORDINATION.**

8 (a) IN GENERAL.—Of funds made available to carry  
9 out this Act, the Secretary shall use not less than  
10 \$2,000,000 per year to carry out, through the Clean Cities  
11 Program established under sections 404, 409, and 505 of  
12 the Energy Policy Act of 1992 (42 U.S.C. 13231, 13235,  
13 13256), a program for traffic signal coordination.

14 (b) REQUIREMENT.—The Secretary shall ensure that  
15 any activity under the program under subsection (a) shall  
16 be carried out by a certified civil engineer with experience  
17 relating to traffic patterns, signals, and congestion.

18 (c) ACTION BY STATE AND LOCAL GOVERNMENTS.—

19 (1) REPORT.—Each unit of State or local gov-  
20 ernment that receives funds from the Secretary to  
21 carry out an activity under the program under sub-  
22 section (a) shall submit to the Secretary a report de-  
23 scribing the quantity of fuel savings of the State as  
24 a result of the activity—

1 (A) by not later than 3 years after the  
2 date on which the State receives the funds; and

3 (B) every 3 years thereafter.

4 (2) TREATMENT OF EMISSION REDUCTIONS.—

5 Any emission reductions due to fuel savings in a  
6 State as a result of an activity under the program  
7 under subsection (a) shall be taken into account  
8 with respect to the State implementation plan of the  
9 State under the Clean Air Act (42 U.S.C. 7401 et  
10 seq.), regardless of whether the activity is part of a  
11 transportation implementation plan of the State.

12 **SEC. 204. RENEWABLE CONTENT OF DIESEL FUEL.**

13 (a) IN GENERAL.—Section 211 of the Clean Air Act  
14 (42 U.S.C. 7545) is amended—

15 (1) by redesignating the first subsection (r) (re-  
16 lating to the definition of the term “manufacturer”)  
17 as subsection (t) and moving the subsection so as to  
18 appear after subsection (s); and

19 (2) by inserting after subsection (o) the fol-  
20 lowing:

21 “(p) ALTERNATIVE BIODIESEL STANDARD.—

22 “(1) DEFINITION OF RENEWABLE FUEL.—

23 “(A) IN GENERAL.—In this section, the  
24 term ‘renewable fuel’ means—

1           “(i)(I) motor vehicle fuel that is pro-  
 2           duced from grain, starch, oil seeds, or veg-  
 3           etable, animal, or fish material, including  
 4           fats, greases, and oils, sugarcane, sugar  
 5           beets, sugar components, tobacco, potatoes,  
 6           or other biomass;

7           “(II) natural gas produced from a  
 8           biogas source, including a landfill, sewage  
 9           waste treatment plant, feedlot, or any  
 10          other area in which decaying organic mat-  
 11          ter is found; and

12          “(ii) motor vehicle fuel that is used to  
 13          replace or reduce the quantity of fossil  
 14          fuels in a fuel mixture used to operate a  
 15          motor vehicle.

16          “(B) INCLUSION.—In this section, the  
 17          term ‘renewable fuel’ includes a diesel fuel sub-  
 18          stitute produced from—

19                 “(i) animal fat;

20                 “(ii) vegetable oil;

21                 “(iii) recycled yellow grease;

22                 “(iv) thermal depolymerization;

23                 “(v) thermochemical conversion; or

24                 “(vi) a blend of diesel and ethanol.

25          “(2) ALTERNATIVE BIODIESEL PROGRAM.—

1 “(A) REGULATIONS.—

2 “(i) IN GENERAL.—Not later than 1  
3 year after the date of acceptance of the  
4 ASTM standard for biodiesel by the Ad-  
5 ministrator, after consultation with indus-  
6 try representatives, the Administrator shall  
7 promulgate regulations to ensure that die-  
8 sel fuel sold or introduced into commerce  
9 in the United States (except in noncontig-  
10 uous States or territories), on an annual  
11 average basis, contains the applicable vol-  
12 ume of biodiesel fuel determined in accord-  
13 ance with subparagraph (B).

14 “(ii) NONCONTIGUOUS STATE OPT-  
15 IN.—

16 “(I) IN GENERAL.—On the peti-  
17 tion of a noncontiguous State or terri-  
18 tory, the Administrator may allow the  
19 alternative biodiesel fuel program es-  
20 tablished under this subsection to  
21 apply in the noncontiguous State or  
22 territory at the same time or at any  
23 time after the Administrator promul-  
24 gates regulations under this subpara-  
25 graph.

1                   “(II) OTHER ACTIONS.—In car-  
2 rying out this clause, the Adminis-  
3 trator may—

4                   “(aa) promulgate or revise  
5 regulations under this paragraph;

6                   “(bb) establish applicable  
7 percentages under paragraph (3);

8                   “(cc) provide for the genera-  
9 tion of credits under paragraph  
10 (4); and

11                   “(dd) take such other ac-  
12 tions as are necessary to allow  
13 for the application of the alter-  
14 native biodiesel program in a  
15 noncontiguous State or territory.

16                   “(iii) PROVISIONS OF REGULA-  
17 TIONS.—Regardless of the date of promul-  
18 gation, the regulations promulgated under  
19 clause (i)—

20                   “(I) shall contain compliance pro-  
21 visions applicable to refineries, blend-  
22 ers, distributors, and importers, as  
23 appropriate, to ensure that the re-  
24 quirements of this paragraph are met;  
25 but

1 “(II) shall not—

2 “(aa) restrict geographic  
3 areas in which biodiesel fuel may  
4 be used; or

5 “(bb) impose any per-gallon  
6 obligation for the use of biodiesel  
7 fuel.

8 “(iv) FAILURE TO PROMULGATE REG-  
9 ULATIONS.—If the Administrator fails to  
10 promulgate regulations in accordance with  
11 clause (i), the percentage of renewable fuel  
12 in the diesel motor pool sold or introduced  
13 into commerce in the United States for  
14 calendar year 2008, on a volume basis,  
15 shall be not less than 0.006 percent.

16 “(B) APPLICABLE VOLUME.—

17 “(i) CALENDAR YEARS 2008 THROUGH  
18 2015.—For the purpose of subparagraph  
19 (A), the applicable volume for any of cal-  
20 endar years 2007 through 2014 shall be  
21 determined in accordance with the fol-  
22 lowing table:

<b>“Calendar Year</b>	<b>Available Volume of Biodiesel Fuel (In millions of gallons)</b>
2008 .....	250
2009 .....	500
2010 .....	750
2011 .....	1,000

<b>“Calendar Year</b>	<b>Available Volume of Biodiesel Fuel (In millions of gallons)</b>
2012 .....	1,250
2013 .....	1,500
2014 .....	1,750
2015 .....	2,000.

1                   “(ii) CALENDAR YEAR 2016 AND  
 2                   THEREAFTER.—Subject to clause (iii), for  
 3                   the purposes of subparagraph (A), the ap-  
 4                   plicable volume for calendar year 2016 and  
 5                   each calendar year thereafter shall be de-  
 6                   termined by the Administrator, in coordi-  
 7                   nation with the Secretary of Agriculture  
 8                   and the Secretary of Energy, based on a  
 9                   review of the implementation of the pro-  
 10                  gram during calendar years 2007 through  
 11                  2014, including a review of—

12                               “(I) the impact of the use of bio-  
 13                               diesel fuel on the environment, air  
 14                               quality, energy security, job creation,  
 15                               and rural economic development; and

16                               “(II) the expected annual rate of  
 17                               future production of renewable fuels  
 18                               to be used as—

19                                       “(aa) a blend component; or

20                                       “(bb) a replacement for die-

21   sel.

1                   “(iii) MINIMUM APPLICABLE VOL-  
 2                   UME.—For the purpose of subparagraph  
 3                   (A), the applicable volume for calendar  
 4                   year 2016 and each calendar year there-  
 5                   after shall be equal to the product obtained  
 6                   by multiplying—

7                                 “(I) the number of gallons of die-  
 8                                 sel fuel that the Administrator esti-  
 9                                 mates will be sold or introduced into  
 10                                commerce in the calendar year; and

11                               “(II) the ratio that—

12   “(aa) 2,000,000,000 gallons  
 13   of biodiesel fuel; bears to

14   “(bb) the number of gallons  
 15   of diesel fuel sold or introduced  
 16   into commerce in calendar year  
 17   2015.

18                   “(3) APPLICABLE PERCENTAGES.—

19                                 “(A) PROVISION OF ESTIMATE OF VOL-  
 20                                 UMES OF DIESEL SALES.—Not later than Octo-  
 21                                 ber 31 of each of calendar years 2007 through  
 22                                 2013, the Administrator of the Energy Infor-  
 23                                 mation Administration shall provide to the Ad-  
 24                                 ministrato<sup>r</sup> an estimate with respect to the fol-  
 25                                 lowing calendar year, of the volumes of diesel

1 fuel projected to be sold or introduced into com-  
2 merce in the United States.

3 “(B) DETERMINATION OF APPLICABLE  
4 PERCENTAGES.—

5 “(i) IN GENERAL.—Not later than  
6 November 30 of each calendar years 2007  
7 through 2013, based on the estimate pro-  
8 vided under subparagraph (A), the Admin-  
9 istrator shall determine and publish in the  
10 Federal Register, with respect to the fol-  
11 lowing calendar year, the biodiesel fuel ob-  
12 ligation that ensures that the requirements  
13 of paragraph (2) are met.

14 “(ii) REQUIRED ELEMENTS.—The bio-  
15 diesel obligation determined for a calendar  
16 year under clause (i) shall—

17 “(I) be applicable to refineries,  
18 blenders, and importers, as appro-  
19 priate;

20 “(II) be expressed in terms of a  
21 volume percentage of diesel fuel sold  
22 or introduced into commerce in the  
23 United States; and

24 “(III) subject to subparagraph  
25 (C)(i), consist of a single applicable

1 percentage that applies to all cat-  
2 egories of persons specified in sub-  
3 clause (I).

4 “(C) ADJUSTMENTS.—In determining the  
5 applicable percentage for a calendar year, the  
6 Administrator shall make adjustments—

7 “(i) to prevent the imposition of re-  
8 dundant obligations on any person speci-  
9 fied in subparagraph (B)(ii)(I); and

10 “(ii) to account for the use of bio-  
11 diesel fuel during the previous calendar  
12 year by small refineries that are exempt  
13 under paragraph (7).

14 “(4) CREDIT PROGRAM.—

15 “(A) IN GENERAL.—The regulations pro-  
16 mulgated under paragraph (2)(A) shall pro-  
17 vide—

18 “(i) for the generation of an appro-  
19 priate amount of credits by any person  
20 that refines, blends, or imports diesel fuel  
21 that contains a quantity of biodiesel that is  
22 greater than the quantity required under  
23 paragraph (2);

1           “(ii) for the generation of credits by  
2           small refineries in accordance with para-  
3           graph (7)(C).

4           “(B) USE OF CREDITS.—A person that  
5           generates credits under subparagraph (A) may  
6           use the credits, or transfer all or a portion of  
7           the credits to another person, for the purpose  
8           of complying with paragraph (2).

9           “(C) DURATION OF CREDITS.—A credit  
10          generated under this paragraph shall be valid  
11          during the 1-year period beginning on the date  
12          on which the credit is generated.

13          “(D) INABILITY TO GENERATE OR PUR-  
14          CHASE SUFFICIENT CREDITS.—The regulations  
15          promulgated under paragraph (2)(A) shall in-  
16          clude provisions allowing any person that is un-  
17          able to generate or purchase sufficient credits  
18          to meet the requirements of paragraph (2) to  
19          carry forward a biodiesel fuel deficit on condi-  
20          tion that the person, in the calendar year fol-  
21          lowing the year in which the biodiesel fuel def-  
22          icit is created—

23                 “(i) achieves compliance with the bio-  
24                 diesel fuel requirement under paragraph  
25                 (2); and

1                   “(ii) generates or purchases additional  
2                   biodiesel fuel credits to offset the biodiesel  
3                   fuel deficit of the previous year.

4                   “(5) SEASONAL VARIATIONS IN BIODIESEL  
5                   USE.—

6                   “(A) STUDY.—For each of calendar years  
7                   2008 through 2015, the Administrator of the  
8                   Energy Information Administration shall con-  
9                   duct a study of biodiesel fuel blending to deter-  
10                  mine whether there are excessive seasonal vari-  
11                  ations in the use of biodiesel fuel.

12                  “(B) REGULATION OF EXCESSIVE SEA-  
13                  SONAL VARIATIONS.—If, for any calendar year,  
14                  the Administrator of the Energy Information  
15                  Administration, based on the study under sub-  
16                  paragraph (A), makes the determinations speci-  
17                  fied in subparagraph (C), the Administrator of  
18                  the Environmental Protection Agency shall pro-  
19                  mulgate regulations to ensure that 25 percent  
20                  or more of the quantity of biodiesel fuel nec-  
21                  essary to meet the requirements under para-  
22                  graph (2) is used during each of the 2 periods  
23                  specified in subparagraph (D) of each subse-  
24                  quent calendar year.

1           “(C) DETERMINATIONS.—The determina-  
2           tions referred to in subparagraph (B) are  
3           that—

4                   “(i) less than 25 percent of the quan-  
5                   tity of biodiesel fuel necessary to meet the  
6                   requirements of paragraph (2) has been  
7                   used during 1 of the 2 periods specified in  
8                   subparagraph (D) of the calendar year;

9                   “(ii) a pattern of excessive seasonal  
10                  variation described in clause (i) will con-  
11                  tinue in subsequent calendar years; and

12                  “(iii) promulgating regulations or  
13                  other requirements to impose a 25 percent  
14                  or more seasonal use of biodiesel fuel will  
15                  not prevent or interfere with the attain-  
16                  ment of national ambient air quality stand-  
17                  ards or significantly increase the price of  
18                  diesel fuels to the consumer.

19           “(D) PERIODS.—The 2 periods referred to  
20           in this paragraph are—

21                   “(i) April through September; and

22                   “(ii) January through March and Oc-  
23                  tober through December.

24           “(E) EXCLUSION.—Biodiesel fuel blended  
25           or consumed in calendar year 2008 in a State

1 that has received a waiver under section 209(b)  
2 shall not be included in the study under sub-  
3 paragraph (A).

4 “(F) STATE EXEMPTION FROM  
5 SEASONALITY REQUIREMENTS.—Notwith-  
6 standing any other provision of law, the  
7 seasonality requirement relating to biodiesel  
8 fuel use established by this paragraph shall not  
9 apply to any State that has received a waiver  
10 under section 209(b) or any State dependent on  
11 refineries in the State for diesel supplies.

12 “(6) WAIVERS.—

13 “(A) IN GENERAL.—The Administrator, in  
14 consultation with the Secretary of Agriculture  
15 and the Secretary of Energy, may waive the re-  
16 quirements of paragraph (2), in whole or in  
17 part, on receipt of a petition by 1 or more  
18 States, by reducing the national quantity of bio-  
19 diesel fuel required under paragraph (2), based  
20 on a determination by the Administrator, after  
21 public notice and opportunity for comment,  
22 that—

23 “(i) implementation of the require-  
24 ment would severely harm the economy or

1 environment of a State, a region, or the  
2 United States; or

3 “(ii) there is an inadequate domestic  
4 supply of renewable fuel.

5 “(B) PETITIONS FOR WAIVERS.—The Ad-  
6 ministrator, in consultation with the Secretary  
7 of Agriculture and the Secretary of Energy,  
8 shall approve or disapprove a State petition for  
9 a waiver of the requirements of paragraph (2)  
10 not later than 90 days after the date on which  
11 the petition is received by the Administrator.

12 “(C) TERMINATION OF WAIVERS.—

13 “(i) IN GENERAL.—A waiver granted  
14 under subparagraph (A) shall terminate  
15 after 1 year, but may be renewed by the  
16 Administrator after consultation with the  
17 Secretary of Agriculture and the Secretary  
18 of Energy.

19 “(ii) CONSECUTIVE WAIVERS.—Not  
20 more than 3 consecutive waivers may be  
21 granted to any 1 State.

22 “(7) SMALL REFINERIES.—

23 “(A) TEMPORARY EXEMPTION.—

1           “(i) IN GENERAL.—Paragraph (2)  
2 shall not apply to small refineries until cal-  
3 endar year 2012.

4           “(ii) EXTENSION OF EXEMPTION.—

5           “(I) STUDY BY SECRETARY OF  
6 ENERGY.—Not later than December  
7 31, 2010, the Secretary of Energy  
8 shall conduct for the Administrator a  
9 study to determine whether compli-  
10 ance with paragraph (2) would impose  
11 a disproportionate economic hardship  
12 on small refineries.

13           “(II) EXTENSION OF EXEMP-  
14 TION.—In the case of a small refinery  
15 that the Secretary of Energy deter-  
16 mines under subclause (I) would be  
17 subject to a disproportionate economic  
18 hardship if required to comply with  
19 paragraph (2), the Administrator  
20 shall extend the exemption under  
21 clause (i) for the small refinery for a  
22 period of not less than an additional  
23 2 years.

24           “(B) PETITIONS BASED ON DISPROPOR-  
25 TIONATE ECONOMIC HARDSHIP.—

1           “(i) EXTENSION OF EXEMPTION.—A  
2           small refinery may at any time petition the  
3           Administrator for an extension of the ex-  
4           emption under subparagraph (A) for the  
5           reason of disproportionate economic hard-  
6           ship.

7           “(ii) EVALUATION OF PETITIONS.—In  
8           evaluating a petition under clause (i), the  
9           Administrator, in consultation with the  
10          Secretary of Energy, shall consider the  
11          findings of the study under subparagraph  
12          (A)(ii) and other economic factors.

13          “(iii) DEADLINE FOR ACTION ON PE-  
14          TITIONS.—The Administrator shall act on  
15          any petition submitted by a small refinery  
16          for a hardship exemption not later than 90  
17          days after the date of receipt of the peti-  
18          tion.

19          “(C) CREDIT PROGRAM.—If a small refin-  
20          ery notifies the Administrator that the small re-  
21          finery waives the exemption under subpara-  
22          graph (A), the regulations promulgated under  
23          paragraph (2)(A) shall provide for the genera-  
24          tion of credits by the small refinery under para-

1 graph (4) beginning in the calendar year fol-  
2 lowing the date of notification.

3 “(D) OPT-IN FOR SMALL REFINERIES.—A  
4 small refinery shall be subject to paragraph (2)  
5 if the small refinery notifies the Administrator  
6 that the small refinery waives the exemption  
7 under subparagraph (A).”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 211(d) of the Clean Air Act (42  
10 U.S.C. 7545(d)) is amended—

11 (A) in paragraph (1)—

12 (i) in the first sentence, by striking  
13 “or (o)” each place it appears and insert-  
14 ing “(o), or (p)”; and

15 (ii) in the second sentence, by striking  
16 “or (o)” and inserting “(o), or (p)”; and

17 (B) in the first sentence of paragraph (2),  
18 by striking “and (o)” each place it appears and  
19 inserting “(o), and (p)”.

20 (2) Section 211(o) of the Clean Air Act (42  
21 U.S.C. 7545(o)) is amended—

22 (A) in paragraph (1)(C), by striking clause  
23 (ii) and inserting the following:

1                   “(ii) INCLUSION.—The term ‘renew-  
2                   able fuel’ includes cellulosic biomass eth-  
3                   anol and waste derived ethanol.”;

4                   (B) in paragraph (5)(A)—

5                   (i) in clause (i), by inserting “and”  
6                   after the semicolon at the end;

7                   (ii) by striking clause (ii); and

8                   (iii) by redesignating clause (iii) as  
9                   clause (ii); and

10                  (C) in paragraph (10)—

11                  (i) in the paragraph heading—

12                   (I) by inserting “AND BIO-  
13                   DIESEL” after “ETHANOL”; and

14                   (II) by striking “ANALYSIS” and  
15                   inserting “ANALYSES”; and

16                  (ii) in subparagraph (A)(i), by strik-  
17                  ing “ethanol production industry” and in-  
18                  serting “ethanol production and biodiesel  
19                  production industries”.

20                  (c) AMENDMENTS TO THE ENERGY POLICY ACT OF  
21                  2005.—Section 1501(d) of the Energy Policy Act of 2005  
22                  (42 U.S.C. 7545 note; Public Law 109–58) is amended—

23                   (1) in paragraph (1)(A)—

24                   (A) in the matter preceding clause (i), by  
25                   inserting “and each diesel, low sulfur diesel,

1 and ultra low sulfur diesel use area” after  
2 “each reformulated gasoline use area”;

3 (B) in clause (iii), by striking “and” at the  
4 end; and

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

6 “(v) diesel, low sulfur diesel, and ultra  
7 low sulfur diesel containing biodiesel; and”;

8 and

9 (2) in the second sentence of paragraph (2), by  
10 striking “gasoline distribution patterns” and insert-  
11 ing “gasoline distribution and diesel distribution pat-  
12 terns”.

13 **SEC. 205. COAL-TO-LIQUID AND GAS-TO-LIQUID TECH-**  
14 **NOLOGIES.**

15 (a) FINDINGS.—Congress finds that—

16 (1) coal-to-liquid and gas-to-liquid technologies  
17 are mature, known technologies that are used  
18 around the world;

19 (2) with sizable coal reserves, the United States  
20 is ideally suited for the use of coal-to-liquid and gas-  
21 to-liquid technologies to produce alternatives for pe-  
22 troleum products; and

23 (3) it is in the best interest of the national se-  
24 curity of the United States to develop and commer-  
25 cialize a synthetic fuels industry.

1 (b) COAL-TO-LIQUID AND GAS-TO-LIQUID FACILI-  
2 TIES LOAN GUARANTEE PROGRAM.—

3 (1) AMOUNT.—Section 1702(c) of the Energy  
4 Policy Act of 2005 (42 U.S.C. 16512(c)) is amend-  
5 ed—

6 (A) by striking “Unless” and inserting the  
7 following:

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), unless”;

10 and

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

12 “(2) EXCEPTION.—The amount of a loan guar-  
13 antee provided under this title for a project de-  
14 scribed in section 1703(b)(11) shall be not more  
15 than the lesser of—

16 “(A) 50 percent of the project cost of the  
17 facility that is the subject of the guarantee, as  
18 estimated at the time at which the guarantee is  
19 issued; or

20 “(B) \$100,000,000”.

21 (2) ELIGIBLE PROJECTS.—Section 1703(b) of  
22 the Energy Policy Act of 2005 (42 U.S.C. 16513(b))  
23 is amended by adding at the end the following:



1           “(1) In the first applicable utilization year, 5  
2 percent.

3           “(2) Except as provided in subsection (c), in  
4 any year after the first applicable utilization year, a  
5 percentage that is 5 greater than the percentage of  
6 utilization in the preceding year under this section.

7           “(b) FIRST APPLICABLE UTILIZATION YEAR.—For  
8 purposes of subsection (a)(1), the first applicable utiliza-  
9 tion year for coal-to-liquid fuel and gas-to-liquid fuel shall  
10 be the earlier of the following:

11           “(1) The first calendar year after the Secretary  
12 Defense certifies to Congress that at least 50 per-  
13 cent of the aircraft fleet of the Department has the  
14 proven capability to utilize coal-to-liquid fuel or gas-  
15 to-liquid fuel without—

16           “(A) any adverse effect on the aircraft en-  
17 gines of such fleet;

18           “(B) any adverse effect on the overall per-  
19 formance of the aircraft; and

20           “(C) any adverse effect on health and safe-  
21 ty of the aircrew, passengers, and maintenance  
22 crew.

23           “(2) 2017.

24           “(c) EXCEPTION.—If as of December 31 of any year  
25 in which subsection (a) is in effect the average price of

1 crude petroleum (as determined by the Secretary of En-  
2 ergy in 2007 constant dollars) is less than \$40 per barrel,  
3 paragraph (2) of that subsection shall not be operative in  
4 the next succeeding year.

5 “(d) MAXIMUM PERCENTAGE.—(1) The maximum  
6 percentage of the fuel utilized by the Department that is  
7 required by this section to be coal-to-liquid fuel, gas-to-  
8 liquid fuel, or both is 50 percent.

9 “(2) Nothing in paragraph (1) shall be construed to  
10 limit the percentage of fuel utilized by the Department  
11 that is coal-to-liquid fuel or gas-to-liquid fuel.”

12 (2) CLERICAL AMENDMENT.—The table of sec-  
13 tion at the beginning of subchapter II of such chap-  
14 ter is amended by adding at the end the following  
15 new item:

“2263. Fuel: minimum requirements for utilization of coal-to-liquid or gas-to-  
liquid fuel.”

16 (d) COMMERCIAL AIRCRAFT STUDY.—

17 (1) IN GENERAL.—The Secretary of Energy, in  
18 consultation with the Administrator of the Federal  
19 Aviation Administration, shall conduct a study on  
20 commercial style aircraft engines and airframes to  
21 determine the quantity of fuel produced using coal-  
22 to-liquid or gas-to-liquid technology that may be  
23 used without compromising health, safety, or the  
24 longevity of the engines and airframes, including an

1 analysis of any environmental benefits from using  
2 the fuel.

3 (2) REPORT.—Not later than 180 days after  
4 the date of the completion of the study under para-  
5 graph (1), the Secretary of Energy shall submit to  
6 the appropriate committees of Congress a report  
7 that describes—

8 (A) the results of the study; and

9 (B) any recommendations of the Secretary  
10 of Energy.

11 **SEC. 206. AVAILABILITY OF CERTAIN AREAS OF THE OUTER**  
12 **CONTINENTAL SHELF FOR LEASING.**

13 (a) DEFINITIONS.—Section 2 of the Outer Conti-  
14 nental Shelf Lands Act (43 U.S.C. 1331) is amended—

15 (1) in subsection (a), by inserting before the  
16 semicolon at the end the following: “or lying within  
17 the United States exclusive economic zone adjacent  
18 to the territories of the United States”;

19 (2) by striking the semicolon at the end of each  
20 subsections (a) through (o) and inserting a period;

21 (3) by striking subsection (f) and inserting the  
22 following:

23 “(f) AFFECTED STATE; ADJACENT STATE.—

24 “(1) IN GENERAL.—The terms ‘affected State’  
25 and ‘adjacent State’ mean, with respect to any pro-

1       gram, plan, lease sale, leased tract, or other activity,  
2       proposed, conducted, or approved pursuant to this  
3       Act, any State the laws of which are declared, pur-  
4       suant to section 4(a)(2), to be the law of the United  
5       States for the portion of the outer Continental Shelf  
6       on which the program, plan, lease sale, leased tract,  
7       or activity appertains or is, or is proposed to be,  
8       conducted.

9               “(2) STATE.—In this subsection, the term  
10       ‘State’ includes Puerto Rico and other territories of  
11       the United States.”;

12               (4) in subsection (p), by striking “; and” at the  
13       end and inserting a period; and

14               (5) by adding at the end the following:

15       “(r) ADJACENT ZONE.—The term ‘Adjacent Zone’  
16       means, with respect to any program, plan, lease sale,  
17       leased tract, or other activity, proposed, conducted or ap-  
18       proved pursuant to this Act, the portion of the outer Con-  
19       tinental Shelf for which the laws of a particular adjacent  
20       State are declared pursuant to section 4(a)(2), to be the  
21       law of the United States.

22       “(s) COASTLINE.—The term ‘coastline’ has the  
23       meaning given the term ‘coast line’ in section 2 of the Sub-  
24       merged Lands Act (43 U.S.C. 1301).

25       “(t) MILE.—The term ‘mile’ means a statute mile.

1       “(u) NEIGHBORING STATE.—The term ‘neighboring  
2 State’ means a coastal State having a common boundary  
3 at the coastline with an adjacent State.”.

4       (b) RESERVATION OF LANDS AND RIGHTS.—Section  
5 12 of the Outer Continental Shelf Lands Act (43 U.S.C.  
6 1341) is amended—

7           (1) by striking SEC. 12 and all that follows  
8 through “The President” and inserting the fol-  
9 lowing:

10 **“SEC. 12. RESERVATIONS.**

11       “(a) AUTHORITY OF THE PRESIDENT.—

12           “(1) IN GENERAL.—The President”;

13       and

14           (2) in subsection (a), by adding at the end the  
15 following:

16           “(2) LENGTH OF WITHDRAWAL.—A withdrawal  
17 by the President may be for a term of not to exceed  
18 10 years.

19           “(3) CONSIDERATIONS.—When considering po-  
20 tential uses of the outer Continental Shelf, to the  
21 maximum extent practicable, the President shall ac-  
22 commodate competing interests and potential uses.

23           “(4) PRIOR WITHDRAWALS.—

24           “(A) BY THE PRESIDENT.—The President  
25 may partially or completely revise or revoke any

1 prior withdrawal made by the President under  
2 this section.

3 “(B) INITIATED BY A STATE.—The Presi-  
4 dent may not revise or revoke a withdrawal that  
5 was initiated by a petition from a State and ap-  
6 proved by the Secretary under subsection (h).”;

7 and

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

9 “(g) AVAILABILITY FOR LEASING WITHIN CERTAIN  
10 AREAS OF THE OUTER CONTINENTAL SHELF.—

11 “(1) PROHIBITION AGAINST LEASING.—

12 “(A) UNAVAILABLE FOR LEASING WITH-  
13 OUT STATE REQUEST.—Except as otherwise  
14 provided in this subsection, beginning on the  
15 date of enactment of this subsection, the Sec-  
16 retary shall not offer for leasing for oil and gas,  
17 or natural gas—

18 “(i) any area within 50 miles of the  
19 coastline that was withdrawn from disposi-  
20 tion by leasing in the Atlantic OCS Re-  
21 gion, the Pacific OCS Region, or the Gulf  
22 of Mexico OCS Region Eastern Planning  
23 Area, as depicted on the maps referred to  
24 in this subparagraph, under the ‘Memo-  
25 randum on Withdrawal of Certain Areas of

1 the United States Outer Continental Shelf  
2 from Leasing Disposition’, 34 Weekly  
3 Comp. Pres. Doc. 1111, dated June 12,  
4 1998; or

5 “(ii) any area within 50 miles of the  
6 coastline not withdrawn under that Memo-  
7 randum that is included within the Gulf of  
8 Mexico OCS Region Eastern Planning  
9 Area as indicated on the map entitled ‘Gulf  
10 of Mexico OCS Region State Adjacent  
11 Zones and OCS Planning Areas’ or the  
12 Florida Straits Planning Area as indicated  
13 on the map entitled ‘Atlantic OCS Region  
14 State Adjacent Zones and OCS Planning  
15 Areas’, both of which are dated September  
16 2005 and on file in the Office of the Direc-  
17 tor, National Ocean Resources and Royalty  
18 Service.

19 “(B) AREAS BETWEEN 50 AND 100 MILES  
20 FROM THE COASTLINE.—Unless an adjacent  
21 State petitions under subsection (h) within 1  
22 year after the date of the enactment of this  
23 subsection for natural gas leasing or by June  
24 30, 2009, for oil and gas leasing, the Secretary  
25 shall offer for leasing—

1           “(i) any area more than 50 miles but  
2           less than 100 miles from the coastline that  
3           was withdrawn from disposition by leasing  
4           in the Atlantic OCS Region, the Pacific  
5           OCS Region, or the Gulf of Mexico OCS  
6           Region Eastern Planning Area, as depicted  
7           on the maps referred to in this subpara-  
8           graph, under the ‘Memorandum on With-  
9           drawal of Certain Areas of the United  
10          States Outer Continental Shelf from Leas-  
11          ing Disposition’, 34 Weekly Comp. Pres.  
12          Doc. 1111, dated June 12, 1998; or

13          “(ii) any area more than 50 miles but  
14          less than 100 miles from the coastline not  
15          withdrawn under that Memorandum that  
16          is included within the Gulf of Mexico OCS  
17          Region Eastern Planning Area as indicated  
18          on the map entitled ‘Gulf of Mexico OCS  
19          Region State Adjacent Zones and OCS  
20          Planning Areas’ or within the Florida  
21          Straits Planning Area as indicated on the  
22          map entitled ‘Atlantic OCS Region State  
23          Adjacent Zones and OCS Planning Areas’,  
24          both of which are dated September 2005  
25          and on file in the Office of the Director,

1 National Ocean Resources and Royalty  
2 Service.

3 “(2) REVOCATION OF WITHDRAWAL.—

4 “(A) IN GENERAL.—The ‘Memorandum on  
5 Withdrawal of Certain Areas of the United  
6 States Outer Continental Shelf from Leasing  
7 Disposition’, 34 Weekly Comp. Pres. Doc.  
8 1111, dated June 12, 1998, is revoked and no  
9 longer in effect regarding—

10 “(i) any area that is more than 100  
11 miles from the coastline; or

12 “(ii) any area that is less than 100  
13 miles from the coastline and is included  
14 within the Gulf of Mexico OCS Region  
15 Central Planning Area as depicted on the  
16 map entitled ‘Gulf of Mexico OCS Region  
17 State Adjacent Zones and OCS Planning  
18 Areas’ dated September 2005 and on file  
19 in the Office of the Director, National  
20 Ocean Resources and Royalty Service.

21 “(B) INCLUSION OF CERTAIN AREAS.—

22 “(i) IN GENERAL.—The 2002–2007  
23 5-Year Outer Continental Shelf Oil and  
24 Gas Leasing Program shall be modified to  
25 include—

1           “(I) the areas added to the Gulf  
2 of Mexico OCS Region Central Plan-  
3 ning Area by this Act to the extent  
4 that the areas were included within  
5 the original boundaries of proposed  
6 Lease Sale 181; and

7           “(II) a sale in such additional  
8 areas, which shall be held not later  
9 than June 30, 2007.

10           “(ii) ENVIRONMENTAL IMPACT STATE-  
11 MENT.—The final environmental impact  
12 statement prepared for the area described  
13 in clause (i) for Lease Sale 181 shall be  
14 considered sufficient for all purposes for  
15 each lease sale in which the area is offered  
16 for lease during the 2002–2007 5-Year  
17 Outer Continental Shelf Oil and Gas Leas-  
18 ing Program without need for supplemen-  
19 tation.

20           “(iii) TRACTS PARTIALLY ADDED.—

21           “(I) IN GENERAL.—Any tract  
22 only partially added to the Gulf of  
23 Mexico OCS Region Central Planning  
24 Area by this Act shall be eligible for  
25 leasing of the part of the tract that is

1 included within the Gulf of Mexico  
2 OCS Region Central Planning Area.

3 “(II) REMAINDER OF TRACT.—

4 The remainder of a tract described in  
5 subclause (I) that lies outside of the  
6 Gulf of Mexico OCS Region Central  
7 Planning Area may be developed and  
8 produced by the lessee of the partial  
9 tract using extended reach or similar  
10 drilling from a location on a leased  
11 area.

12 “(iv) USE OF TRACTS.—Any area in  
13 the OCS withdrawn from leasing may be  
14 leased, and thereafter developed and pro-  
15 duced by the lessee using extended reach  
16 or similar drilling from a location on a  
17 leased area located in an area available for  
18 leasing.

19 “(3) PETITION FOR LEASING.—

20 “(A) PETITIONS.—

21 “(i) IN GENERAL.—The Governor of a  
22 State, upon concurrence of the legislature  
23 of the State, may submit to the Secretary  
24 a petition requesting that the Secretary  
25 make available any area that is within the

1 Adjacent Zone of the State, included under  
2 paragraph (1), and that—

3 “(I) is greater than 25 miles  
4 from any point on the coastline of a  
5 neighboring State for the conduct of  
6 offshore leasing, pre-leasing, and re-  
7 lated activities with respect to natural  
8 gas leasing; or

9 “(II) is greater than 50 miles  
10 from any point on the coastline of a  
11 neighboring State for the conduct of  
12 offshore leasing, pre-leasing, and re-  
13 lated activities with respect to oil and  
14 gas leasing.

15 “(ii) OTHER LEASING.—The adjacent  
16 State may petition for leasing any other  
17 area within the Adjacent Zone of the  
18 State—

19 “(I) if leasing is allowed in the  
20 similar area of the Adjacent Zone of  
21 the applicable neighboring State; or

22 “(II) if leasing is not allowed, if  
23 the neighboring State, acting through  
24 the Governor of the neighboring  
25 State, expresses the concurrence of

1 the neighboring State with the peti-  
2 tion.

3 “(iii) SECRETARIAL FINDING.—The  
4 Secretary shall only consider a petition  
5 under clause (ii) after—

6 “(I) making a finding that leas-  
7 ing is allowed in the similar area of  
8 the Adjacent Zone of the applicable  
9 neighboring State; or

10 “(II) receiving the concurrence of  
11 the neighboring State.

12 “(iv) DATE OF RECEIPT.—The date of  
13 receipt by the Secretary of a concurrence  
14 by a neighboring State shall constitute the  
15 date of receipt of the petition for the State  
16 for which the concurrence applies.

17 “(v) CONCURRENCES REQUIRED.—  
18 Except for any area described in para-  
19 graph (2)(B)(iv), a petition for leasing any  
20 part of the Alabama Adjacent Zone that is  
21 part of the Gulf of Mexico Eastern Plan-  
22 ning Area, as indicated on the map entitled  
23 ‘Gulf of Mexico OCS Region State Adja-  
24 cent Zones and OCS Planning Areas’  
25 which is dated September 2005 and on file

1 in the Office of the Director, National  
2 Ocean Resources and Royalty Service,  
3 shall require the concurrence of the States  
4 of Alabama and Florida.

5 “(B) LIMITATIONS ON LEASING.—In its  
6 petition, a State with an Adjacent Zone that  
7 contains leased tracts may condition new leas-  
8 ing for oil and gas, or natural gas, for tracts  
9 within 25 miles of the coastline by—

10 “(i) requiring a net reduction in the  
11 number of production platforms;

12 “(ii) requiring a net increase in the  
13 average distance of production platforms  
14 from the coastline;

15 “(iii) limiting permanent surface occu-  
16 pancy on new leases to areas that are more  
17 than 10 miles from the coastline;

18 “(iv) limiting certain tracts to being  
19 produced from shore or from platforms lo-  
20 cated on other tracts; or

21 “(v) other conditions that the adja-  
22 cent State may consider appropriate if the  
23 Secretary does not determine that produc-  
24 tion is made economically or technically  
25 impracticable or otherwise impossible.

1           “(C) ACTION BY SECRETARY.—

2                   “(i) IN GENERAL.—Not later than 90  
3           days after receipt of a petition of a State  
4           under subparagraph (A), the Secretary  
5           shall approve the petition, unless the Sec-  
6           retary determines that leasing the area  
7           would probably cause serious harm or  
8           damage to the marine resources of the Ad-  
9           jacent Zone of the State.

10                   “(ii) ENVIRONMENTAL ASSESS-  
11           MENT.—Prior to approving the petition,  
12           the Secretary shall complete an environ-  
13           mental assessment under the National En-  
14           vironmental Policy Act of 1969 (42 U.S.C.  
15           4321 et seq.) that documents the antici-  
16           pated environmental effects of leasing in  
17           the area included within the scope of the  
18           petition.

19                   “(D) FAILURE TO ACT.—If the Secretary  
20           fails to approve or deny a petition in accordance  
21           with subparagraph (C), the petition shall be  
22           considered to be approved 90 days after the re-  
23           ceipt of the petition.

24                   “(E) AMENDMENT OF 5-YEAR LEASING  
25           PROGRAM.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), notwithstanding section  
3           18, not later than 180 days after the ap-  
4           proval of a petition under subparagraph  
5           (C) or (D), after the expiration of the time  
6           limits established by paragraph (1)(B),  
7           and not later than 180 days after the en-  
8           actment of this subsection for the areas  
9           made available for leasing under paragraph  
10          (2), the Secretary shall amend the 5-Year  
11          Outer Continental Shelf Oil and Gas Leas-  
12          ing Program (in effect on the date of en-  
13          actment of this subsection) to include 1 or  
14          more lease sales for at least 75 percent of  
15          the associated areas.

16          “(ii) EXCEPTION.—

17                 “(I) IN GENERAL.—The Sec-  
18                 retary shall not make the amendment  
19                 described in clause (i) if there are,  
20                 from the date of approval, expiration  
21                 of the time limits, or the date of en-  
22                 actment of this subsection, as applica-  
23                 ble, less than 1 year remaining in the  
24                 5-Year Leasing Program described in  
25                 clause (i).

1                   “(II) SUBSEQUENT LEASING  
2 PROGRAM.—In a case described in  
3 subclause (I), the Secretary shall in-  
4 clude the associated areas within lease  
5 sales under the next 5-Year Outer  
6 Continental Shelf Oil and Gas Leas-  
7 ing Program.

8                   “(iii) NO FURTHER CONSULTATIONS  
9 REQUIRED.—For purposes of amending  
10 the 5-Year Outer Continental Shelf Oil and  
11 Gas Leasing Program in accordance with  
12 this section, further consultations with  
13 States shall not be required.

14                   “(iv) ENVIRONMENTAL ASSESS-  
15 MENT.—For purposes of this section, an  
16 environmental assessment performed under  
17 the National Environmental Policy Act of  
18 1969 (42 U.S.C. 4321 et seq.) to assess  
19 the effects of approving the petition shall  
20 be sufficient to support the amendment of  
21 the 5-Year Outer Continental Shelf Oil and  
22 Gas Leasing Program.

23                   “(4) DISPOSITION OF REVENUES.—Revenues  
24 from leases entered into under this subsection shall  
25 be disposed of in accordance with section 105 of the

1 Gulf of Mexico Energy Security Act of 2006 (43  
2 U.S.C. 1331 note; Public Law 109–432).

3 “(h) OPTION TO PETITION FOR EXTENSION OF  
4 WITHDRAWAL FROM LEASING WITHIN CERTAIN AREAS  
5 OF OUTER CONTINENTAL SHELF.—

6 “(1) PETITIONS.—

7 “(A) IN GENERAL.—The Governor of a  
8 State, upon the concurrence of the legislature of  
9 the State, may submit to the Secretary a peti-  
10 tion requesting that the Secretary extend, for a  
11 period of time of not more than 5 years, the  
12 withdrawal from leasing for all or part of any  
13 area within the Adjacent Zone of the State lo-  
14 cated more than 50 miles, but less than 100  
15 miles, from the coastline that is subject to sub-  
16 section (g)(1)(B).

17 “(B) LIMITATION ON PETITIONS.—A State  
18 may petition not more than once per calendar  
19 year for any particular area.

20 “(C) SEPARATE PETITIONS.—A State shall  
21 submit separate petitions, with separate votes  
22 by the legislature of the State, for oil and gas  
23 leasing and for natural gas leasing.

24 “(D) SCOPE OF PETITIONS.—A petition of  
25 a State may request certain areas to be with-

1 drawn from all leasing and certain areas to be  
2 withdrawn only from 1 type of leasing.

3 “(E) ALABAMA ADJACENT ZONE.—A peti-  
4 tion for extending the withdrawal from leasing  
5 of any part of the Alabama Adjacent Zone that  
6 is more than 50 miles, but less than 100 miles,  
7 from the coastline and that is a part of the Gulf  
8 of Mexico OCS Region Eastern Planning Area,  
9 as indicated on the map entitled ‘Gulf of Mexico  
10 OCS Region State Adjacent Zones and OCS  
11 Planning Areas’ which is dated September 2005  
12 and on file in the Office of the Director, Na-  
13 tional Ocean Resources and Royalty Service,  
14 may be made by the State of Alabama or Flor-  
15 ida.

16 “(2) ACTION BY SECRETARY.—

17 “(A) TIMING.—Not later than 90 days  
18 after receipt of the petition of a State, the Sec-  
19 retary shall approve or deny the petition, taking  
20 into consideration the effect of approving the  
21 petition on marine resources of the Adjacent  
22 Zone of the State.

23 “(B) ENVIRONMENTAL ASSESSMENT.—If  
24 the Secretary denies a petition under subpara-  
25 graph (A), the Secretary shall perform an envi-

1           ronmental assessment under the National Envi-  
2           ronmental Policy Act of 1969 (42 U.S.C. 4321  
3           et seq.) to assess the effects of that denial.

4           “(3) FAILURE TO ACT.—If the Secretary fails  
5           to approve or deny a petition in accordance with  
6           paragraph (2), the petition shall be considered to be  
7           approved 180 days after the date of receipt of the  
8           petition.

9           “(i) EFFECT OF OTHER LAWS.—

10           “(1) IN GENERAL.—Adoption by any adjacent  
11           State of any constitutional provision, or enactment  
12           of any State law, that has the effect, as determined  
13           by the Secretary, of restricting the Governor or the  
14           legislature, or both, of the State from exercising full  
15           discretion related to subsection (g) or (h) shall for  
16           the duration of the restriction—

17           “(A) prohibit any sharing of OCS receipts  
18           (as that term is defined in section 9(a)) under  
19           this Act with the adjacent State, and the coast-  
20           al political subdivisions of the adjacent State;  
21           and

22           “(B) prohibit the adjacent State from exer-  
23           cising any authority under subsection (h).

24           “(2) TIMING.—The Secretary shall make the  
25           determination of the existence of a restricting con-

1       stitutional provision or State statute not later than  
2       30 days after receipt of a petition by any outer Con-  
3       tinental Shelf lessee or coastal State.”.

4       (c) CONFORMING AMENDMENT.—Section 102(9)(A)  
5 of the Gulf of Mexico Energy Security Act of 2006 (43  
6 U.S.C. 1331 note; Public Law 109–432) is amended—

7           (1) in clause (i)—

8               (A) in subclause (I), by striking “and” at  
9               the end; and

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

11                           “(III) areas leased under section  
12                           12(g) of the Outer Continental Shelf  
13                           Lands Act (43 U.S.C. 1341(g)); and”;

14       and

15           (2) in clause (ii)—

16               (A) in subclause (II), by striking “and” at  
17               the end;

18               (B) in subclause (III), by striking the pe-  
19               riod at the end and inserting “; and”; and

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

21                           “(IV) areas leased under section  
22                           12(g) of the Outer Continental Shelf  
23                           Lands Act (43 U.S.C. 1341(g)).”.

1           **TITLE III—BUILDINGS AND**  
2           **MANUFACTURING SECTOR**

3   **SEC. 301. ENERGY EFFICIENCY IN FEDERAL BUILDINGS.**

4           (a) ENERGY EFFICIENCY IN FEDERAL BUILDINGS.—

5               (1) DEFINITIONS.—In this section—

6                   (A) ADMINISTRATOR.—The term “Admin-  
7                   istrator” means the Administrator of General  
8                   Services.

9                   (B) COMMITTEE.—The term “Committee”  
10                  means the Green Building Advisory Committee  
11                  established under section 103(a).

12                  (C) DIRECTOR.—The term “Director”  
13                  means the individual appointed to the position  
14                  established under section 101(a).

15                  (D) FEDERAL FACILITY.—

16                   (i) IN GENERAL.—The term “Federal  
17                   facility” means any building or facility the  
18                   intended use of which requires the building  
19                   or facility to be—

20                       (I) accessible to the public; and

21                       (II) constructed or altered by or  
22                       on behalf of the United States.

23                   (ii) EXCLUSIONS.—The term “Federal  
24                   facility” does not include a privately-owned

1 residential or commercial structure that is  
2 not leased by the Federal Government.

3 (E) HIGH-PERFORMANCE GREEN BUILD-  
4 ING.—The term “high-performance green build-  
5 ing” means a building that, during its life-  
6 cycle—

7 (i) reduces energy, water, and mate-  
8 rial resource use;

9 (ii) integrates systems in the building;

10 (iii) reduces the environmental and  
11 energy impacts of transportation through  
12 building location and site design that sup-  
13 port a full range of transportation choices  
14 for users of the building; and

15 (F) LIFE-CYCLE.—The term “life-cycle”,  
16 with respect to a high-performance green build-  
17 ing, means all stages of the useful life of the  
18 building (including components, equipment, sys-  
19 tems, and controls of the building) beginning at  
20 conception of a green building project and con-  
21 tinuing through site selection, design, construc-  
22 tion, landscaping, commissioning, operation,  
23 maintenance, renovation, deconstruction or  
24 demolition, removal, and recycling of the green  
25 building.

1 (G) LIFE-CYCLE ASSESSMENT.—The term  
2 “life-cycle assessment” means a comprehensive  
3 system approach for measuring the environ-  
4 mental performance of a product or service over  
5 the life of the product or service, beginning at  
6 raw materials acquisition and continuing  
7 through manufacturing, transportation, installa-  
8 tion, use, reuse, and end-of-life waste manage-  
9 ment.

10 (H) LIFE-CYCLE COSTING.—The term  
11 “life-cycle costing”, with respect to a high-per-  
12 formance green building, means a technique of  
13 economic evaluation that—

14 (i) sums, over a given study period,  
15 the costs of initial investment (less resale  
16 value), replacements, operations (including  
17 energy use), and maintenance and repair  
18 of an investment decision; and

19 (ii) is expressed—

20 (I) in present value terms, in the  
21 case of a study period equivalent to  
22 the longest useful life of the building,  
23 determined by taking into consider-  
24 ation the typical life of such a build-

1                   ing in the area in which the building  
2                   is to be located; or

3                   (II) in annual value terms, in the  
4                   case of any other study period.

5           (2) OVERSIGHT.—

6                   (A) IN GENERAL.—The Administrator  
7                   shall establish within the General Services Ad-  
8                   ministration, and appoint an individual to serve  
9                   as Director in, a position in the career-reserved  
10                  Senior Executive service, to—

11                   (i) establish and manage the Office in  
12                   accordance with section 102; and

13                   (ii) carry out other duties as required  
14                   under this Act.

15                  (B) COMPENSATION.—The compensation  
16                  of the Director shall not exceed the maximum  
17                  rate of basic pay for the Senior Executive Serv-  
18                  ice under section 5382 of title 5, United States  
19                  Code, including any applicable locality-based  
20                  comparability payment that may be authorized  
21                  under section 5304(h)(2)(C) of that title.

22           (3) OFFICE OF HIGH-PERFORMANCE GREEN  
23           BUILDINGS.—

24                  (A) ESTABLISHMENT.—The Director shall  
25                  establish within the General Services Adminis-

1           tration an Office of High-Performance Green  
2           Buildings.

3           (B) DUTIES.—The Director shall—

4           (i) ensure full coordination of high-  
5           performance green building information  
6           and activities within the General Services  
7           Administration and all relevant agencies,  
8           including, at a minimum—

9           (I) the Environmental Protection  
10          Agency;

11          (II) the Office of the Federal En-  
12          vironmental Executive;

13          (III) the Office of Federal Pro-  
14          curement Policy;

15          (IV) the Department of Energy;

16          (V) the Department of Health  
17          and Human Services;

18          (VI) the Department of Defense;

19          and

20          (VII) such other Federal agencies  
21          as the Director considers to be appro-  
22          priate;

23          (ii) establish a senior-level Federal  
24          green building advisory committee, which

1 shall provide advice and recommendations  
2 in accordance with section 103;

3 (iii) identify and biennially reassess  
4 improved or higher rating standards rec-  
5 ommended by the Committee;

6 (iv) establish a national high-perform-  
7 ance green building clearinghouse in ac-  
8 cordance with section 104, which shall pro-  
9 vide green building information through—

10 (I) outreach;

11 (II) education; and

12 (III) the provision of technical  
13 assistance;

14 (v) ensure full coordination of re-  
15 search and development information relat-  
16 ing to high-performance green building ini-  
17 tiatives under section 105;

18 (vi) identify and develop green build-  
19 ing standards that could be used for all  
20 types of Federal facilities in accordance  
21 with section 105;

22 (vii) establish green practices that can  
23 be used throughout the life of a Federal  
24 facility;

1 (viii) review and analyze current Fed-  
2 eral budget practices and life-cycle costing  
3 issues, and make recommendations to Con-  
4 gress, in accordance with section 106; and

5 (ix) complete and submit the report  
6 described in subsection (c).

7 (C) REPORT.—Not later than 2 years after  
8 the date of enactment of this Act, and bienni-  
9 ally thereafter, the Director shall submit to  
10 Congress a report that—

11 (i) describes the status of the green  
12 building initiatives under this Act and  
13 other Federal programs in effect as of the  
14 date of the report, including—

15 (I) the extent to which the pro-  
16 grams are being carried out in accord-  
17 ance with this Act;

18 (II) the status of funding re-  
19 quests and appropriations for those  
20 programs; and

21 (III) the effectiveness of different  
22 programs in reducing the energy con-  
23 sumption of the Federal government;

24 (ii) identifies within the planning,  
25 budgeting, and construction process all

1 types of Federal facility procedures that  
2 inhibit new and existing Federal facilities  
3 from becoming high-performance green  
4 buildings as measured by—

5 (I) a silver rating, as defined by  
6 the Leadership in Energy and Envi-  
7 ronmental Design Building Rating  
8 System standard established by the  
9 United States Green Building Council  
10 (or an equivalent rating); or

11 (II) an improved or higher rating  
12 standard, as identified by the Com-  
13 mittee;

14 (iii) identifies inconsistencies, as re-  
15 ported to the Committee, in Federal law  
16 with respect to product acquisition guide-  
17 lines and high-performance product guide-  
18 lines;

19 (iv) recommends language for uniform  
20 standards for use by Federal agencies in  
21 environmentally responsible acquisition;

22 (v) in coordination with the Office of  
23 Management and Budget, reviews the  
24 budget process for capital programs with  
25 respect to alternatives for—

- 1 (I) restructuring of budgets to  
2 require the use of complete energy-  
3 and environmental-cost accounting;
- 4 (II) using operations expendi-  
5 tures in budget-related decisions while  
6 simultaneously incorporating produc-  
7 tivity and health measures (as those  
8 measures can be quantified by the Of-  
9 fice, with the assistance of universities  
10 and national laboratories);
- 11 (III) permitting Federal agencies  
12 to retain all identified savings accrued  
13 as a result of the use of life-cycle cost-  
14 ing for future high-performance green  
15 building initiatives; and
- 16 (IV) identifying short- and long-  
17 term cost savings that accrue from  
18 high-performance green buildings, in-  
19 cluding those relating to health and  
20 productivity;
- 21 (vi) identifies green, self-sustaining  
22 technologies to address the operational  
23 needs of Federal facilities in times of na-  
24 tional security emergencies, natural disas-  
25 ters, or other dire emergencies;

1 (vii) summarizes and highlights devel-  
2 opment, at the State and local level, of  
3 green building initiatives, including execu-  
4 tive orders, policies, or laws adopted pro-  
5 moting green building (including the status  
6 of implementation of those initiatives); and

7 (viii) includes, for the 2-year period  
8 covered by the report, recommendations to  
9 address each of the matters, and a plan for  
10 implementation of each recommendation,  
11 described in paragraphs (1) through (6).

12 (D) IMPLEMENTATION.—The Office shall  
13 carry out each plan for implementation of rec-  
14 ommendations under subsection (c)(7).

15 (4) GREEN BUILDING ADVISORY COMMITTEE.—

16 (A) ESTABLISHMENT.—Not later than 180  
17 days after the date of enactment of this Act,  
18 the Director shall establish a committee to be  
19 known as the “Green Building Advisory Com-  
20 mittee”.

21 (B) MEMBERSHIP.—The Committee shall  
22 be composed of representatives of, at a min-  
23 imum—

24 (i) each agency referred to in section  
25 102(b)(1); and

1 (ii) other relevant entities, as deter-  
2 mined by the Director, including at least 1  
3 representative of each of the following:

4 (I) State and local governmental  
5 green building programs.

6 (II) Independent green building  
7 associations or councils.

8 (III) Building experts, including  
9 architects, material suppliers, and  
10 construction contractors.

11 (IV) Security advisors focusing  
12 on national security needs, natural  
13 disasters, and other dire emergency  
14 situations.

15 (V) Children and adult environ-  
16 mental health experts.

17 (C) MEETINGS.—The Director shall estab-  
18 lish a regular schedule of meetings for the Com-  
19 mittee, which shall convene a minimum of 6  
20 times each year.

21 (D) DUTIES.—The Committee shall pro-  
22 vide advice and expertise for use by the Direc-  
23 tor in carrying out the duties under this Act,  
24 including such recommendations relating to  
25 Federal activities carried out under sections

1           104 through 106 as are agreed to by a majority  
2           of the members of the Committee.

3           (E) FACA EXEMPTION.—The Committee  
4           shall not be subject to the Federal Advisory  
5           Committee Act (5 U.S.C. App.).

6           (5) INFORMATION CLEARINGHOUSE AND OUT-  
7           REACH.—The Director, in coordination with the  
8           Committee, shall carry out public outreach to inform  
9           individuals and entities of the information and serv-  
10          ices available Government-wide by—

11           (A) establishing and maintaining a na-  
12          tional high-performance green building clearing-  
13          house, including on the Internet, that—

14           (i) identifies existing similar efforts  
15          and coordinates activities of common inter-  
16          est; and

17           (ii) provides information relating to  
18          high-performance green buildings, includ-  
19          ing hyperlinks to Internet sites that de-  
20          scribe the activities, information, and re-  
21          sources of—

22                   (I) the Federal Government;

23                   (II) State and local governments;

- 1 (III) the private sector (including  
2 nongovernmental and nonprofit enti-  
3 ties and organizations); and
- 4 (IV) international organizations;
- 5 (B) identifying and recommending edu-  
6 cational resources for implementing high-per-  
7 formance green building practices, including se-  
8 curity and emergency benefits and practices;
- 9 (C) providing access to technical assistance  
10 on using tools and resources to make more cost-  
11 effective, energy-efficient, health-protective, and  
12 environmentally beneficial decisions for con-  
13 structing high-performance green buildings,  
14 particularly tools available to conduct life-cycle  
15 costing and life-cycle assessment;
- 16 (D) providing information on application  
17 processes for certifying a high-performance  
18 green building, including certification and com-  
19 missioning;
- 20 (E) providing technical information, mar-  
21 ket research, or other forms of assistance or ad-  
22 vice that would be useful in planning and con-  
23 structing high-performance green buildings; and
- 24 (F) using such other methods as are deter-  
25 mined by the Director to be appropriate.

1 (6) COORDINATION OF RESEARCH EFFORTS.—

2 (A) ESTABLISHMENT.—The Director, in  
3 coordination with the Committee, shall—

4 (i)(I) survey existing research and  
5 studies relating to high-performance green  
6 buildings; and

7 (II) coordinate activities of common  
8 interest;

9 (ii) develop and recommend a high-  
10 performance green building research plan  
11 that—

12 (I) identifies information and re-  
13 search needs, including the relation-  
14 ships between health, occupant pro-  
15 ductivity, and each of;

16 (II) pollutant emissions from ma-  
17 terials and products in the building;

18 (III) natural day lighting;

19 (IV) ventilation choices and tech-  
20 nologies;

21 (V) heating, cooling, and system  
22 control choices and technologies;

23 (VI) moisture control and mold;

24 (VII) maintenance, cleaning, and  
25 pest control activities;

- 1 (VIII) acoustics; and
- 2 (IX) other issues relating to the
- 3 health, comfort, productivity, and per-
- 4 formance of occupants of the building;
- 5 and
- 6 (iii) promotes the development and
- 7 dissemination of high-performance green
- 8 building measurement tools that, at a min-
- 9 imum, may be used—
- 10 (I) to monitor and assess the life-
- 11 cycle performance of facilities (includ-
- 12 ing demonstration projects) built as
- 13 high-performance green buildings; and
- 14 (II) to perform life-cycle assess-
- 15 ments;
- 16 (B) assist the budget and life-cycle costing
- 17 functions of the Office under section 106;
- 18 (C) study and identify potential benefits of
- 19 green buildings relating to energy security, nat-
- 20 ural disaster, and emergency needs of the Fed-
- 21 eral Government; and
- 22 (D) support other research initiatives de-
- 23 termined by the Office.

1           (7) BUDGET AND LIFE-CYCLE COSTING AND  
2 CONTRACTING ESTABLISHMENT.—The Director, in  
3 coordination with the Committee, shall—

4           (A) identify, review, and analyze current  
5 budget and contracting practices that affect  
6 achievement of high-performance green build-  
7 ings, including the identification of barriers to  
8 green building life-cycle costing and budgetary  
9 issues;

10           (B) develop guidance and conduct training  
11 sessions with budget specialists and contracting  
12 personnel from Federal agencies and budget ex-  
13 aminers to apply life-cycle cost criteria to actual  
14 projects;

15           (C) identify tools to aid life-cycle cost deci-  
16 sionmaking; and

17           (D) explore the feasibility of incorporating  
18 the benefits of green buildings, such as security  
19 benefits, into a cost-budget analysis to aid in  
20 life-cycle costing for budget and decision mak-  
21 ing processes.

22           (8) AUTHORIZATION OF APPROPRIATIONS.—  
23 There is authorized to be appropriated to carry out  
24 subsection (a) \$4,000,000 for each of fiscal years

1 2008 through 2013, to remain available until ex-  
2 pended.

3 (b) FEDERAL GREEN BUILDING PERFORMANCE.—

4 (1) IN GENERAL.—Not later than October 31 of  
5 each of the 2 fiscal years following the fiscal year in  
6 which this Act is enacted, and at such times there-  
7 after as the Comptroller General of the United  
8 States determines to be appropriate, the Comptroller  
9 General of the United States shall, with respect to  
10 the fiscal years that have passed since the preceding  
11 report—

12 (A) conduct an audit of the implementa-  
13 tion of this Act; and

14 (B) submit to the Office, the Committee,  
15 the Administrator, and Congress a report de-  
16 scribing the results of the audit.

17 (2) CONTENTS.—An audit under paragraph (1)  
18 shall include a review, with respect to the period cov-  
19 ered by the report under paragraph (1)(B), of—

20 (A) budget, life-cycle costing, and con-  
21 tracting issues, using best practices identified  
22 by the Comptroller General of the United  
23 States and heads of other agencies in accord-  
24 ance with paragraph (a)(7);

1 (B) the level of coordination among the Of-  
2 fice, the Office of Management and Budget,  
3 and relevant agencies;

4 (C) the performance of the Office in car-  
5 rying out the implementation plan;

6 (D) the design stage of high-performance  
7 green building measures;

8 (E) high-performance building data that  
9 were collected and reported to the Office; and

10 (F) such other matters as the Comptroller  
11 General of the United States determines to be  
12 appropriate.

13 (3) CONSULTATION.—The Director shall con-  
14 sult with the Committee to enhance and assist the  
15 implementation of the Environmental Stewardship  
16 Scorecard announced at the White House Summit  
17 on Federal sustainable buildings in January 2006,  
18 to measure the implementation by each Federal  
19 agency of sustainable design and green building ini-  
20 tiatives.

21 (c) FEDERAL STIMULUS OF COMMERCIAL APPLICA-  
22 TION OF ENERGY TECHNOLOGY .—

23 (1) DEFINITIONS.—For purposes of this sub-  
24 section:

1 (A) DEPARTMENT.—The term “Depart-  
2 ment” means the Department of Energy.

3 (B) FUND.—The term “Fund” means the  
4 Innovative Energy Technologies Fund for Fed-  
5 eral Buildings established in section 3.

6 (C) INNOVATIVE ENERGY TECHNOLOGY.—  
7 The term “innovative energy technology” means  
8 a technology, including an advanced energy con-  
9 servation or renewable energy technology, that  
10 was developed, in whole or in part, with the  
11 support of the Department.

12 (D) INNOVATIVE ENERGY TECHNOLOGY  
13 PROJECT.—The term “innovative energy tech-  
14 nology project” means a project that—

15 (i) results in the commercial applica-  
16 tion of an innovative energy technology;  
17 and

18 (ii) assists a Federal agency in meet-  
19 ing or exceeding all Federal energy effi-  
20 ciency requirements then in effect, includ-  
21 ing applicable Executive orders such as  
22 Executive Order No. 13423.

23 (E) SECRETARY.—The term “Secretary”  
24 means the Secretary of Energy.

25 (2) ESTABLISHMENT OF FUND.—

1           (A) IN GENERAL.—Not later than 6  
2 months after the date of enactment of this Act,  
3 the Secretary of Energy shall establish the In-  
4 novative Energy Technologies Fund for Federal  
5 Buildings within the Clean Energy Technology  
6 Fund established in Section 103 of this Act.  
7 The Secretary of Energy shall administer the  
8 Fund to enable Federal agencies to dem-  
9 onstrate innovative energy technologies for ret-  
10 rofit or new construction of Federal buildings  
11 and facilities.

12           (B) CRITERIA AND GUIDELINES.—Not  
13 later than 6 months after the date of enactment  
14 of this Act, the Secretary shall establish criteria  
15 and guidelines for Federal agencies to borrow  
16 from and pay back to the Fund.

17 (3) LOANS FROM THE FUND.—

18           (A) GENERAL PROCEDURE.—Federal agen-  
19 cies may apply to the Secretary for a loan for  
20 financing the demonstration of innovative en-  
21 ergy technology projects, and shall repay the  
22 Fund from savings in energy and other costs  
23 attributable to actions taken as a result of the  
24 demonstration project undertaken with the  
25 loan.

1 (B) PURPOSES OF LOAN.—In addition to  
2 financing an innovative energy technology  
3 project, a Federal agency may use the loan  
4 amount to pay the costs of administration and  
5 the development of proposals for subsequent  
6 projects to further develop the technology (in-  
7 cluding data collection and energy surveys), and  
8 to acquire and operate equipment necessary to  
9 monitor and verify associated energy savings.

10 (C) REPAYMENTS.—A Federal agency  
11 shall repay to the Fund the principal amount of  
12 the loan and fees determined by the Secretary  
13 to cover costs of administering the loan. The re-  
14 payment period shall be 15 years, or less as ap-  
15 propriate to the project.

16 (4) REPORTS AND AUDITS.—

17 (A) REPORTS TO THE SECRETARY.—Not  
18 later than 1 year after a Federal agency imple-  
19 ments its first innovative energy technology  
20 project for which a loan is provided under this  
21 Act, and each year thereafter until the date  
22 that final repayment of all loans provided to  
23 that agency under this Act is due, the Federal  
24 agency shall transmit to the Secretary an an-  
25 nual report that—

1 (i) states whether projects meet or fail  
2 to meet the energy savings projections for  
3 the projects based on measured savings;

4 (ii) for each project that fails to meet  
5 the energy savings projections, states the  
6 reasons for failure and describes proposed  
7 remedies; and

8 (iii) for each project that meets the  
9 energy savings projections, proposes ex-  
10 panded demonstrations of the innovative  
11 energy technology demonstrated with the  
12 loan funds.

13 (B) AUDITS.—The Secretary may audit  
14 any innovative energy technology project fi-  
15 nanced with a loan from the Fund to assess the  
16 project's performance.

17 (C) REPORTS TO CONGRESS.—At the end  
18 of each fiscal year, the Secretary shall transmit  
19 to Congress a report on the operations of the  
20 Fund, including a statement of the total re-  
21 ceipts into the Fund, the total expenditures  
22 from the Fund to each Federal agency, and ex-  
23 amples of project successes and failures in  
24 meeting energy savings projections.

25 (5) AUTHORIZATION OF APPROPRIATIONS.—

1 (A) ESTABLISHMENT OF FUND.—There  
2 are authorized to be appropriated to the Sec-  
3 retary for the establishment of the Fund,  
4 \$100,000,000 for each of the fiscal years 2008  
5 through 2017.

6 (B) OPERATION OF FUND.—There are au-  
7 thorized to be appropriated to the Secretary  
8 from the Fund, for carrying out the loan pro-  
9 gram under this Act, such sums as may be nec-  
10 essary.

11 **SEC. 302. ENERGY EFFICIENCY PUBLIC SCHOOLS.**

12 (a) The Secretary of Energy shall provide grants—

13 (1) to State educational agencies and local edu-  
14 cational agencies for providing intensive technical as-  
15 sistance for, and assisting the implementation of, the  
16 EnergySmart Schools Program of the Department  
17 of Energy and the Energy Star for K-12 School Dis-  
18 tricts program of the Environmental Protection  
19 Agency; and

20 (2) to state educational agencies for use in the  
21 development of state-level school energy efficiency  
22 quality plans, in partnership with the department of  
23 energy, including—

24 (A) standards for school building design,  
25 construction, and renovation; and

1 (B) proposals for the systematic improve-  
2 ment (including benchmarks and timelines) of  
3 environmental conditions in and around schools  
4 throughout the State, including—

5 (i) environmentally preferable pur-  
6 chasing of products for instruction and  
7 maintenance;

8 (ii) increasing the use of alternative  
9 energy fuels in school buses; and

10 (iii) maximization of transportation  
11 choices for students, staff, and other mem-  
12 bers of the community.

13 (b) FEDERAL SHARE.—The Federal share of the cost  
14 of a project or activity carried out using funds from a  
15 grant under this Act shall not exceed 90 percent.

16 (c) GRANT PRIORITY.—In providing grants under  
17 section 2(1), the Secretary of Energy shall give priority  
18 to projects to provide assistance to school districts that  
19 have a demonstrated need for energy efficiency improve-  
20 ment.

21 (d) DEFINITION.—For purposes of this Act, the  
22 terms “State educational agency” and “local educational  
23 agency” have the meanings given those terms in section  
24 9101 of the Elementary and Secondary Education Act of  
25 1965 (20 U.S.C. 7801).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to the Secretary of En-  
 3 ergy to carry out this Act \$10,000,000 for the period en-  
 4 compassing fiscal years 2006 through 2011.

5 **SEC. 303. MANUFACTURING PROCESSES AND MATERIALS**  
 6 **ENERGY USE COMMISSION.**

7 Subtitle C of title I of the Energy Policy Act of 2005  
 8 (P.L. 109–58; 119 Stat. 620) is amended by adding at  
 9 the end the following:

10 **“SEC. 142. MANUFACTURING PROCESSES AND MATERIALS**  
 11 **ENERGY USE COMMISSION.**

12 “(a) ESTABLISHMENT.—

13 “(1) ESTABLISHMENT.—There is established a  
 14 commission to be known as the ‘Appliance Efficiency  
 15 Standards Commission’ (referred to in this sub-  
 16 section as the ‘Commission’).

17 “(2) MEMBERSHIP.—

18 “(A) COMPOSITION.—The Commission  
 19 shall be composed of 12 members appointed by  
 20 the President, of whom—

21 “(i) 4 members shall be appointed to  
 22 represent energy and manufacturing indus-  
 23 tries;

24 “(ii) 2 members shall be appointed  
 25 from nongovernmental organizations that

1 specialize in energy efficiency, environ-  
2 mental protection, or consumer advocacy;

3 “(iii) 3 members shall be appointed  
4 from the National Academy of Sciences;  
5 and

6 “(iv) 1 member shall be appointed  
7 from each of—

8 “(I) the Department of Com-  
9 merce; and

10 “(II) the Department of Energy.

11 “(B) DATE OF APPOINTMENTS.—The ap-  
12 pointment of a member of the Commission shall  
13 be made not later than 90 days after the date  
14 of enactment of this subsection.

15 “(3) TERM; VACANCIES.—

16 “(A) TERM.—Subject to clause (ii), the  
17 term of office of a member of the Commission  
18 shall be 3 years.

19 “(B) VACANCIES.—A vacancy on the Com-  
20 mission—

21 “(i) shall not affect the powers of the  
22 Commission; and

23 “(ii) shall be filled in the same man-  
24 ner as the original appointment was made.

1           “(4) INITIAL MEETING.—Not later than 30  
2 days after the date on which all members of the  
3 Commission have been appointed, the Commission  
4 shall hold the initial meeting of the Commission.

5           “(5) MEETINGS.—The Commission shall meet  
6 at the call of the Chairperson.

7           “(6) QUORUM.—A majority of the members of  
8 the Commission shall constitute a quorum, but a  
9 lesser number of members may hold hearings.

10           “(7) CHAIRPERSON AND VICE CHAIRPERSON.—  
11 The Commission shall select a Chairperson and Vice  
12 Chairperson from among the members of the Com-  
13 mission.

14           “(b) DUTIES.—The Commission shall—

15           “(1) conduct a study on the methods to develop  
16 new manufacturing processes and material that are  
17 able to use diverse energy sources; and

18           “(2) submit to Congress a report that describes  
19 the result of the study.

20           “(c) POWERS.—

21           “(1) HEARINGS.—The Commission may hold  
22 such hearings, meet and act at such times and  
23 places, take such testimony, and receive such evi-  
24 dence as the Commission considers advisable to  
25 carry out this subsection.

1           “(2) INFORMATION FROM FEDERAL AGEN-  
2           CIES.—

3                   “(A) IN GENERAL.—The Commission may  
4           secure directly from a Federal agency such in-  
5           formation as the Commission considers nec-  
6           essary to carry out this subsection.

7                   “(B) PROVISION OF INFORMATION.—On  
8           request of the Chairperson of the Commission,  
9           the head of the agency shall provide the infor-  
10          mation to the Commission.

11           “(3) POSTAL SERVICES.—The Commission may  
12          use the United States mails in the same manner and  
13          under the same conditions as other agencies of the  
14          Federal Government.

15           “(4) GIFTS.—The Commission may accept, use,  
16          and dispose of gifts or donations of services or prop-  
17          erty.

18          “(d) COMMISSION PERSONNEL MATTERS.—

19           “(1) COMPENSATION OF MEMBERS.—

20                   “(A) NON-FEDERAL EMPLOYEES.—A  
21          member of the Commission who is not an offi-  
22          cer or employee of the Federal Government  
23          shall be compensated at a rate equal to the  
24          daily equivalent of the annual rate of basic pay  
25          prescribed for level IV of the Executive Sched-

1           ule under section 5315 of title 5, United States  
2           Code, for each day (including travel time) dur-  
3           ing which the member is engaged in the per-  
4           formance of the duties of the Commission.

5           “(B) FEDERAL EMPLOYEES.—A member  
6           of the Commission who is an officer or em-  
7           ployee of the Federal Government shall serve  
8           without compensation in addition to the com-  
9           pensation received for the services of the mem-  
10          ber as an officer or employee of the Federal  
11          Government.

12          “(2) TRAVEL EXPENSES.—A member of the  
13          Commission shall be allowed travel expenses, includ-  
14          ing per diem in lieu of subsistence, at rates author-  
15          ized for an employee of an agency under subchapter  
16          I of chapter 57 of title 5, United States Code, while  
17          away from the home or regular place of business of  
18          the member in the performance of the duties of the  
19          Commission.

20          “(3) STAFF.—

21                 “(A) IN GENERAL.—The Chairperson of  
22                 the Commission may, without regard to the civil  
23                 service laws (including regulations), appoint  
24                 and terminate an executive director and such  
25                 other additional personnel as are necessary to

1 enable the Commission to perform the duties of  
2 the Commission.

3 “(B) CONFIRMATION OF EXECUTIVE DI-  
4 RECTOR.—The employment of an executive di-  
5 rector shall be subject to confirmation by the  
6 Commission.

7 “(C) COMPENSATION.—

8 “(i) IN GENERAL.—Except as pro-  
9 vided in subparagraph (B), the Chair-  
10 person of the Commission may fix the com-  
11 pensation of the executive director and  
12 other personnel without regard to the pro-  
13 visions of chapter 51 and subchapter III of  
14 chapter 53 of title 5, United States Code,  
15 relating to classification of positions and  
16 General Schedule pay rates.

17 “(ii) MAXIMUM RATE OF PAY.—The  
18 rate of pay for the executive director and  
19 other personnel shall not exceed the rate  
20 payable for level V of the Executive Sched-  
21 ule under section 5316 of title 5, United  
22 States Code.

23 “(4) DETAIL OF FEDERAL GOVERNMENT EM-  
24 PLOYEES.—

1           “(A) IN GENERAL.—An employee of the  
2           Federal Government may be detailed to the  
3           Commission without reimbursement.

4           “(B) CIVIL SERVICE STATUS.—The detail  
5           of the employee shall be without interruption or  
6           loss of civil service status or privilege.

7           “(5) PROCUREMENT OF TEMPORARY AND  
8           INTERMITTENT SERVICES.—The Chairperson of the  
9           Commission may procure temporary and intermit-  
10          tent services in accordance with section 3109(b) of  
11          title 5, United States Code, at rates for individuals  
12          that do not exceed the daily equivalent of the annual  
13          rate of basic pay prescribed for level V of the Execu-  
14          tive Schedule under section 5316 of that title.

15          “(6) AUTHORIZATION OF APPROPRIATIONS.—  
16          There are authorized to be appropriated such sums  
17          as are necessary to carry out this subsection, to re-  
18          main available until expended.

19          “(e) ADMINISTRATION.—Section 14 of the Federal  
20          Advisory Committee Act (5 U.S.C. App.) shall not apply  
21          to the Commission.”.

22   **SEC. 304. GREENFIELD STUDY.**

23          (a) DEFINITION.—For the purposes of this section,  
24          the term “greenfield facility” shall mean a new industrial  
25          manufacturing, refining or other industrial facility.

1 (b) STUDY.—The Secretary, in coordination with the  
2 Secretary of Commerce and the Administrator of the En-  
3 vironmental Protection Agency, shall conduct a study on  
4 the costs and benefits of locating greenfield facilities near  
5 existing manufacturing or electric generating facilities for  
6 purposes of energy efficiency, including—

7 (1) an identification of the barriers to locating  
8 greenfield facilities near existing manufacturing or  
9 electric generating facilities; and

10 (2) the development of a 5-year plan to remove,  
11 to the maximum extent practicable, any barriers  
12 that are the result of an activity, facility or regula-  
13 tion of the Federal government.

14 **TITLE IV—NATIONAL CLIMATE**  
15 **CHANGE POLICY**

16 **SEC. 401. NATIONAL GREENHOUSE GAS EMISSIONS REG-**  
17 **ISTRY.**

18 Section 1605 of the Energy Policy Act of 1992 (42  
19 U.S.C. 13385) is amended—

20 (1) by amending the second sentence of sub-  
21 section (a) to read as follows: “The Secretary shall  
22 annually update and analyze such inventory using  
23 available data, including, beginning in calendar year  
24 2008, information collected as a result of voluntary  
25 reporting under subsection (b). The inventory shall

1 identify for calendar year 2008 and thereafter the  
2 amount of emissions reductions attributed to those  
3 reported under subsection (b).”;

4 (2) by amending subsection (b)(1) (B) and (C)  
5 to read as follows—

6 “(B) annual reductions or avoidance of  
7 greenhouse gas emissions and carbon sequestra-  
8 tion achieved through any measures, including  
9 agricultural activities, co-generation, appliance  
10 efficiency, energy efficiency, forestry activities  
11 that increase carbon sequestration stocks (in-  
12 cluding the use of forest products), fuel switch-  
13 ing, management of crop lands, grazing lands,  
14 grasslands and dry lands, manufacture or use  
15 of vehicles with reduced greenhouse gas emis-  
16 sions , methane recovery, ocean seeding, use of  
17 renewable energy, chlorofluorocarbon capture  
18 and replacement, and power plant heat rate im-  
19 provement”;

20 (3) by striking in the first sentence of sub-  
21 section (b)(2) the word “entities” and inserting  
22 “persons or entities” and in the second sentence of  
23 such subsection, by inserting after “Persons” the  
24 words “or entities”;

1           (4) by inserting in the second sentence of sub-  
2           section (b)(4) the words “persons or” before “enti-  
3           ty”;

4           (5) by adding after subsection (b)(4) the fol-  
5           lowing new paragraphs—

6           “(5) RECOGNITION OF VOLUNTARY GREEN-  
7           HOUSE GAS EMISSIONS REDUCTION, AVOIDANCE, OR  
8           SEQUESTRATION.—To encourage new and increased  
9           voluntary efforts to reduce, avoid, or sequester emis-  
10          sions of greenhouse gases, the Secretary shall de-  
11          velop and establish a program of giving annual pub-  
12          lic recognition to all reporting persons and entities  
13          demonstrating voluntarily achieved greenhouse gases  
14          reduction, avoidance, or sequestration, pursuant to  
15          the voluntary collections and reporting guidelines  
16          issued under this section. Such recognition shall be  
17          based on the information certified, subject to section  
18          1001 of title 18, United States Code, by such per-  
19          sons or entities for accuracy as provided in para-  
20          graph 2 of this subsection, and shall include such in-  
21          formation reported prior to the enactment of this  
22          paragraph. At a minimum such recognition shall an-  
23          nually be published in the Federal Register.

24          “(6) REVIEW AND REVISION OF GUIDELINES.—

1           “(A) IN GENERAL.—Not later than 1 year  
2 after the date of enactment of this subpara-  
3 graph, the Secretary of Energy, acting through  
4 the Administrator of the Energy Information  
5 Administration, shall conduct a review of guide-  
6 lines established under this section regarding  
7 the accuracy and reliability of reports of green-  
8 house gas reductions and related information.

9           “(B) CONTENTS.—The review shall include  
10 the consideration of the need for any amend-  
11 ments to such guidelines, including—

12           “(i) a random or other verification  
13 process using the authorities available to  
14 the Secretary under other provisions of  
15 law;

16           “(ii) a range of reference cases for re-  
17 porting of project-based activities in sec-  
18 tors, including the measures specified in  
19 subparagraph (1)(B) of this subsection,  
20 and the inclusion of benchmark and de-  
21 fault methodologies and best practices for  
22 use as reference cases for eligible projects;

23           “(iii) issues, such as comparability,  
24 that are associated with the option of re-

1 reporting on an entity-wide basis or on an  
2 activity or project basis;

3 “(iv) safeguards to address the possi-  
4 bility of reporting, inadvertently or other-  
5 wise, of some or all of the same greenhouse  
6 gas emissions reductions by more than one  
7 reporting entity or person and to make  
8 corrections where necessary;

9 “(v) provisions that encourage entities  
10 or persons to register their certified, by ap-  
11 propriate and credible means, baseline  
12 emissions levels on an annual basis, taking  
13 into consideration all of their reports made  
14 under this section prior to the enactment  
15 of this paragraph;

16 “(vi) procedures and criteria for the  
17 review and registration of ownership of all  
18 or part of any reported and verified emis-  
19 sions reductions relative to a reported  
20 baseline emissions level under this section;  
21 and

22 “(vii) accounting provisions needed to  
23 allow for changes in registration of owner-  
24 ship of emissions reductions resulting from

1 a voluntary private transaction between re-  
2 porting entities or persons.

3 For the purposes of this paragraph, the term  
4 ‘reductions’ means any and all activities taken  
5 by a reporting entity or person that reduce,  
6 avoid or sequester greenhouse gas emissions, or  
7 sequester greenhouse gases from the atmos-  
8 phere.

9 “(C) ECONOMIC ANALYSIS.—The review  
10 should consider the costs and benefits of any  
11 such amendments, the effect of such amend-  
12 ments on participation in this program, includ-  
13 ing by farmers and small businesses, and the  
14 need to avoid creating undue economic advan-  
15 tages or disadvantages for persons or entities in  
16 the private sector. The review should provide,  
17 where appropriate, a range of reasonable op-  
18 tions that are consistent with the voluntary na-  
19 ture of this section and that will help further  
20 the purposes of this section.

21 “(D) PUBLIC COMMENT AND SUBMISSION  
22 OF REPORT.—The findings of the review shall  
23 be made available in draft form for public com-  
24 ment for at least 45 days, and a report con-  
25 taining the findings of the review shall be sub-

1           mitted to Congress and the President no later  
2           than one year after date of enactment of this  
3           section.

4           “(E) REVISION OF GUIDELINES.—If the  
5           Secretary, after consultation with the Adminis-  
6           trator, finds, based on the study results, that  
7           changes to the program are likely to be bene-  
8           ficial and cost effective in improving the accu-  
9           racy and reliability of reported greenhouse gas  
10          reductions and related information, are con-  
11          sistent with the voluntary nature of this section,  
12          and further the purposes of this section, the  
13          Secretary shall propose and promulgate changes  
14          to program guidelines based with such findings.  
15          In carrying out the provisions of this para-  
16          graph, the Secretary shall consult with the Sec-  
17          retary of Agriculture and the Administrator of  
18          the Small Business Administration to encourage  
19          greater participation by small business and  
20          farmers in addressing greenhouse gas emission  
21          reductions and reporting such reductions.

22          “(F) PERIODIC REVIEW AND REVISION OF  
23          GUIDELINES.—The Secretary shall thereafter  
24          review and revise these guidelines at least once  
25          every 5 years, following the provisions for eco-

1            nomic analysis, public review, and revision set  
2            forth in subsections (C) through (E) of this sec-  
3            tion.”;

4            (6) in subsection (c), by inserting “the Sec-  
5            retary of the Department of Agriculture, the Sec-  
6            retary of the Department of Commerce, the Admin-  
7            istrator of the Energy Information Administration,  
8            and” before “the Administrator”; and

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

10          “(d) PUBLIC AWARENESS PROGRAM.—

11            “(1) IN GENERAL.—The Secretary shall create  
12            and implement a public awareness program to edu-  
13            cate all persons in the United States of—

14            “(A) the direct benefits of engaging in vol-  
15            untary greenhouse gas emissions reduction  
16            measures and having the emissions reductions  
17            certified under this section and available for use  
18            therein; and

19            “(B) the ease of use of the forms and pro-  
20            cedures for having emissions reductions cer-  
21            tified under this section.

22            “(2) AGRICULTURAL AND SMALL BUSINESS  
23            OUTREACH.—The Secretary of Agriculture and the  
24            Administrator of the Small Business Administration  
25            shall assist the Secretary in creating and imple-

1       menting a targeted public awareness program to en-  
2       courage voluntary participation by small businesses  
3       and farmers.”.

4   **SEC. 402. REPORT ON INDUSTRIAL APPLICATIONS OF CAR-**  
5                   **BON DIOXIDE.**

6       The Secretary shall offer to enter into a contract with  
7   the National Academy of Sciences under which the Na-  
8   tional Academy shall conduct a study of uses (including  
9   industrial applications) for captured carbon dioxide other  
10  than sequestration, enhanced oil recovery or carbon trad-  
11  ing.

12 **SEC. 403. NATIONAL CARBON DIOXIDE STORAGE ASSESS-**  
13                   **MENT.**

14       (a) DEFINITIONS.—In this section:

15               (1) ASSESSMENT.—The term “assessment”  
16       means the national assessment of geological storage  
17       capacity for carbon dioxide completed under this sec-  
18       tion.

19               (2) CAPACITY; GEOLOGICAL STORAGE CAPAC-  
20       ITY.—The terms “capacity” and “geological storage  
21       capacity” mean the portion of a storage formation  
22       that can retain carbon dioxide under the parameters  
23       (including physical, geological, and economic param-  
24       eters) established under the methodology developed  
25       under this section.

1           (3) ENGINEERED HAZARDS.—The term “engi-  
2           neered hazards” includes the location and comple-  
3           tion history of any well that could affect potential  
4           storage.

5           (4) RISK.—The term “risk” includes risks  
6           posed by geochemical, geomechanical,  
7           hydrogeological, structural, and engineered hazards.

8           (5) SECRETARY.—The term “Secretary” means  
9           the Secretary of Interior, acting through the Direc-  
10          tor of the United States Geological Survey.

11          (6) STORAGE FORMATION.—The term “storage  
12          formation” means a deep saline formation,  
13          unmineable coal seam, or oil or gas reservoir capable  
14          of accommodating a volume of industrial carbon di-  
15          oxide.

16          (b) METHODOLOGY FOR NATIONAL ASSESSMENT OF  
17          GEOLOGICAL STORAGE CAPACITY FOR CARBON DIOX-  
18          IDE.—

19               (1) IN GENERAL.—Not later than 270 days  
20               after the date of enactment of this section, the Sec-  
21               retary shall develop a methodology for conducting a  
22               national assessment of the geological storage capac-  
23               ity for carbon dioxide.

1           (2) POTENTIAL STORAGE FORMATIONS.—In de-  
2           veloping the methodology under this section, the  
3           Secretary shall consider—

4                   (A) the geographic extent of all potential  
5                   storage formations of the contiguous 48 States;

6                   (B) the capacity of the potential storage  
7                   formations;

8                   (C) the ability of the potential storage for-  
9                   mations to be injected with carbon dioxide;

10                  (D) an estimate of potential volumes of oil  
11                  and gas recoverable by injection and storage of  
12                  industrial carbon dioxide in potential storage  
13                  formations;

14                  (E) an estimate of the percentage of car-  
15                  bon dioxide injected into oil and gas wells that  
16                  would be permanently stored when used in en-  
17                  hanced oil recovery;

18                  (F) the potential of vertical and horizontal  
19                  migration of carbon dioxide from the potential  
20                  storage formations;

21                  (G) the ability of monitoring of and data  
22                  collection from the potential storage formations;  
23                  and

24                  (H) the risk associated with the potential  
25                  storage formations.

1 (3) COORDINATION.—

2 (A) FEDERAL COORDINATION.—The Sec-  
3 retary shall coordinate with the Secretary of  
4 Energy and the Administrator of the Environ-  
5 mental Protection Agency on issues of data  
6 sharing, format, development of the method-  
7 ology, and content of the assessment required  
8 under this section to ensure the maximum use-  
9 fulness and success of the assessment.

10 (B) STATE COORDINATION.—The Sec-  
11 retary shall consult with the State geological  
12 surveys and other relevant entities to ensure, to  
13 the maximum extent practicable, the usefulness  
14 and success of the assessment.

15 (4) OPPORTUNITY FOR REVIEW AND COM-  
16 MENT.—During the period beginning on the date  
17 that is 270 days after the date of enactment of this  
18 section and ending not more than 60 days, after the  
19 commencement of the assessment, the Secretary  
20 shall provide the heads of stakeholder Federal agen-  
21 cies, the heads of State land management agencies,  
22 industry stakeholders, and the public with an oppor-  
23 tunity to review and comment on the proposed meth-  
24 odology developed under subparagraph (A).

1           (5) INDEPENDENT VERIFICATION.—During the  
2           period described in subparagraph (D), the Secretary  
3           shall convene a committee of subject matter experts  
4           composed of representatives of Federal agencies, in-  
5           stitutions of higher education, nongovernmental or-  
6           ganizations, State organizations, industry, and inter-  
7           national geoscience organizations to conduct a re-  
8           view of the methodology for capacity and risk esti-  
9           mation required to carry out this section.

10          (6) FINAL PUBLICATION.—Not later than 90  
11          days after the period described in subparagraph (D),  
12          the Secretary shall—

13                 (A) publish in the Federal Register a de-  
14                 scription of the final methodology to be used for  
15                 conducting the national assessment of the geo-  
16                 logical storage capacity for carbon dioxide re-  
17                 quired under subparagraph (A), taking into ac-  
18                 count any comments received under subpara-  
19                 graph (D) and the methodology review con-  
20                 ducted under subsection (E); and

21                 (B) issue a public report that responds to  
22                 the comments received under subparagraph (D)  
23                 and the methodology review under subpara-  
24                 graph (E).

1 (c) COMPLETION OF NATIONAL ASSESSMENT OF GE-  
2 OLOGICAL STORAGE CAPACITY FOR CARBON DIOXIDE.—

3 (1) IN GENERAL.—Not later than 3 years after  
4 the date of final publication of the methodology, the  
5 Secretary shall complete a national assessment of  
6 geological storage capacity for carbon dioxide using  
7 the methodology under paragraph (2).

8 (2) DATABASE.—

9 (A) IN GENERAL.—The Secretary shall es-  
10 tablish a database on the Internet accessible to  
11 the public that provides the results of the as-  
12 sessment required under this section, including  
13 a detailed description of the data collected  
14 under the assessment.

15 (B) DATA.—The database shall include the  
16 metrics necessary to rank potential storage sites  
17 for capacity and risk, across the United States,  
18 within each State, by formation, and within  
19 each basin.

20 (C) REPORT.—

21 (i) IN GENERAL.—Not later than 180  
22 days after the date on which the assess-  
23 ment required under this section is com-  
24 pleted, the Secretary shall submit to the  
25 appropriate committees of Congress and

1 the President a report that describes the  
2 findings of the assessment.

3 (ii) PUBLIC AVAILABILITY.—The Sec-  
4 retary shall make the report required  
5 under this subparagraph available on the  
6 internet.

7 (d) REGULATORY REFORM FOR CARBON SEQUES-  
8 TRATION COMMISSION.—

9 (1) ESTABLISHMENT.—

10 (A) IN GENERAL.—There is established a  
11 commission to be known as the “Regulatory Re-  
12 form for Carbon Sequestration Commission”  
13 (referred to in this subsection as the “Commis-  
14 sion”).

15 (B) MEMBERSHIP.—The Commission shall  
16 be composed of 15 members, to be appointed by  
17 the President, of whom—

18 (i) 1 member shall be a representative  
19 of the Department of Energy;

20 (ii) 1 member shall be a representa-  
21 tive of the Department of Commerce;

22 (iii) 1 member shall be a representa-  
23 tive of the Environmental Protection Agen-  
24 cy; and

25 (iv) the remaining members shall be—

1 (I) representatives from the man-  
2 ufacturing industry;

3 (II) representatives from the  
4 electric utility industry;

5 (III) representatives from non-  
6 governmental organizations that focus  
7 on—

8 (aa) energy efficiency; and

9 (bb) environmental protec-  
10 tion; or

11 (IV) representatives from the in-  
12 vestment banking community.

13 (C) DATE OF APPOINTMENTS.—The ap-  
14 pointment of a member of the Commission shall  
15 be made not later than 90 days after the date  
16 of enactment of this subsection.

17 (D) TERM; VACANCIES.—

18 (i) TERM.—Subject to clause (ii), the  
19 term of office of a member of the Commis-  
20 sion shall be 3 years.

21 (ii) VACANCIES.—A vacancy on the  
22 Commission—

23 (I) shall not affect the powers of  
24 the Commission; and

1 (II) shall be filled in the same  
2 manner as the original appointment  
3 was made.

4 (E) INITIAL MEETING.—Not later than 30  
5 days after the date on which all members of the  
6 Commission have been appointed, the Commis-  
7 sion shall hold the initial meeting of the Com-  
8 mission.

9 (F) MEETINGS.—The Commission shall  
10 meet at the call of the Chairperson.

11 (G) QUORUM.—A majority of the members  
12 of the Commission shall constitute a quorum,  
13 but a lesser number of members may hold hear-  
14 ings.

15 (H) CHAIRPERSON AND VICE CHAIR-  
16 PERSON.—The Commission shall select a Chair-  
17 person and Vice Chairperson from among the  
18 members of the Commission.

19 (2) DUTIES.—The Commission shall—

20 (A) STUDY.—The Commission shall con-  
21 duct a study to identify any regulatory barriers  
22 to siting new manufacturing facilities, power  
23 plants, and other necessary infrastructure in  
24 close proximity to the potential sites ranked  
25 under subsection (c)(2)(B).

1           (B) RECOMMENDATIONS.—The Commis-  
2           sion shall develop recommendations to remove  
3           the barriers identified under paragraph (A).

4           (C) REPORT.—Not later than 1 year after  
5           the date of release of the Final Publication  
6           under paragraph (b)(6) of this section, the  
7           Commission shall submit to the President and  
8           Congress a report that contains—

9                   (i) a detailed statement of the find-  
10                  ings and conclusions of the Commission;  
11                  and

12                   (ii) the recommendations of the Com-  
13                  mission for removing the barriers identified  
14                  under subparagraph (A).

15 **SEC. 404. LIABILITY OF FULL CARBON STORAGE FACILI-**  
16 **TIES AND DEPLETED OIL FIELDS.**

17           On determination by the Governor of a State that a  
18           carbon facility of the State or an oil field in that State  
19           that used enhanced oil recovery practices that the facility  
20           is full, or that the oil field is depleted, the Governor shall  
21           transfer liability for the facility or oil field to the Federal  
22           Government, in accordance with such procedures and re-  
23           quirements as the Secretary may establish, by regulation.

1 **SEC. 405. FUNDING.**

2 (a) IN GENERAL.—There is authorized to be appro-  
3 priated to carry out this title \$80,000,000 for each of the  
4 fiscal years 2008 through 2015.

5 (b) EFFECT OF LIMITATION ON APPROPRIATIONS.—

6 If, in any fiscal year, the amount appropriated to carry  
7 out this title is less than an amount equal to 75 percent  
8 of the amount authorized in to be appropriated for the  
9 fiscal year under subsection (a), each carbon capture-  
10 ready or carbon capture and sequestration retrofit require-  
11 ment of this Act shall terminate.

12 **TITLE V—STUDIES, ENERGY DAY,**  
13 **AND REESTABLISHMENT OF**  
14 **THE OFFICE OF TECHNO-**  
15 **LOGICAL ASSESSMENT**

16 **Subtitle A—Studies**

17 **SEC. 501. STUDY OF THE REPLACEMENT OF HVACR EQUIP-**  
18 **MENT.**

19 (a) STUDY REQUIRED.—The Secretary of Energy  
20 shall convene a study group including the Director of the  
21 Office of Management and Budget (OMB), the Deputy  
22 Secretary of Housing and Urban Development (HUD),  
23 representatives of the energy community, representatives  
24 of the housing community, and such other individuals as  
25 the Secretary of Energy, Director of OMB, and Deputy  
26 Secretary of HUD may designate. The Secretary of En-

1 ergy, Director of OMB, and Deputy Secretary of HUD,  
2 in consultation with the study group, shall evaluate the  
3 impact of the replacement of residential HVACR equip-  
4 ment—that does not meet current minimum efficiency re-  
5 quirements as stated in the National Appliance Energy  
6 Conservation Act of 1987—at the time of sale of residen-  
7 tial homes.

8 (b) REPORT REQUIRED.—Not later than 6 months  
9 after the date of enactment of this Act, the Secretary of  
10 Energy, Director of OMB, and Director of HUD shall  
11 submit a report regarding the findings of the study group  
12 to the Committee on Energy and Commerce in the House  
13 of Representatives and the Committee on Energy and  
14 Natural Resources of the Senate.

15 **SEC. 502. STUDY ON FUEL ECONOMY STANDARDS FOR**  
16 **HEAVY TRUCKS.**

17 (a) Within 2 years of enactment of this Act, The Na-  
18 tional Science Foundation shall conduct a study to—

19 (1) determine the fuel economy effects on heavy  
20 trucks as a result of compliance with Title II of the  
21 Clean Air Act; and

22 (2) assess the ability of different technologies  
23 for increased fuel economy of heavy trucks while ad-  
24 hering to existing regulations established under Title  
25 II of the Clean Air Act.

1 (b) Within 6 months of completing the study in sec-  
2 tion (a), the National Academies shall report to Congress  
3 regarding—

4 (1) the technological feasibility to comply with  
5 fuel economy standards for heavy trucks; and

6 (2) the potential fuel savings due to fuel econ-  
7 omy standards on heavy trucks.

8 **SEC. 503. STUDY OF THE USE OF SYNTHETIC FUEL IN COM-**  
9 **MERCIAL AIRCRAFT.**

10 (a) Within 1 year of enactment of this section, the  
11 Secretary of Energy in coordination with the Federal  
12 Aviation Administrator, shall conduct a study on the use  
13 of synthetic fuels in commercial aircraft.

14 (b) Within 1 year of completing the study in section  
15 (a), the Secretary shall submit a report to the appropriate  
16 Congressional Committees regarding—

17 (1) the effects of synthetic fuels on any effect  
18 on—

19 (A) the aircraft engines;

20 (B) the overall performance of the aircraft;

21 and

22 (C) the health and safety of—

23 (i) the aircrew;

24 (ii) the maintenance crew; and

25 (iii) passengers; and

1           (2) the reduction in petroleum imports due to  
2           the use of synthetic fuels in commercial aircraft.

3 **SEC. 504. STUDY OF INFRASTRUCTURE NEEDS FOR SIGNIFI-**  
4 **CANT USE OF RENEWABLE FUELS.**

5           (a) Within 2 years of enactment of this Act, the Sec-  
6 retary of Energy, in coordination with the Secretaries of  
7 Transportation, Commerce and Agriculture, and the Na-  
8 tional Academies of Science, shall conduct a study to—

9           (1) identify future infrastructure needs for an  
10          increase in the Renewable Fuels Standard in Section  
11          1501 of the Energy Policy Act of 2005 to 36 billion  
12          gallons by 2022; and

13          (2) the impact of the Renewable Fuels Stand-  
14          ard in Section 1501 of the Energy Policy Act of  
15          2005 on the price of animal feed and fertilizer at—

16                  (A) its current level; and

17                  (B) an expanded standard of 36 billion  
18          gallons by 2022.

19          (b) Within 1 year of completing the study in section  
20 (a), the Secretary shall submit to Congress a report of  
21 the study's findings.

22 **SEC. 505. STUDY ON A STRATEGIC NATURAL GAS RESERVE.**

23          (a) Within 1 year of enactment of this Act, the Sec-  
24 retary of Energy shall conduct a study to—

1           (1) determine the necessity of establishing a  
2           strategic natural gas reserve similar to the Strategic  
3           Petroleum Reserve;

4           (2) assess the ability of a Strategic Natural Gas  
5           Reserve to be built in four different quadrants of the  
6           continental United States; and

7           (3) assess the amount of royalty-in-kind gas  
8           necessary to fill a Strategic Natural Gas Reserve.

9           (b) Within 1 year of completing the study in section  
10          (a), the Secretary shall submit to Congress a report of  
11          the study's findings.

## 12           **Subtitle B—Energy Education**

### 13          **SEC. 511. ENERGY DAY.**

14          (a) **PURPOSE.**—The purpose of this section is to raise  
15          public awareness of energy issues, including—

16               (1) the origins of energy;

17               (2) areas relating to energy in which the United  
18               States is vulnerable; and

19               (3) the basis of petroleum prices.

20          (b) **DESIGNATION.**—The President shall—

21               (1) designate an appropriate day as “Energy  
22               Day”; and

23               (2) each year call upon the people of the United  
24               States to observe the day with appropriate cere-  
25               monies and activities in schools and communities.

1 **SEC. 512. ENERGY EFFICIENT EDUCATION PROGRAMS.**

2 (a) IN GENERAL.—The Secretary shall carry out an  
3 education program to increase public awareness of meas-  
4 ures that consumers can take to increase energy efficiency.

5 (b) DOE WEBSITE.—In carrying out subsection (a),  
6 the Secretary shall improve the quality and quantity of  
7 information, and ease of access to that information, that  
8 the public can access on the website of the Department  
9 of Energy, including educational materials developed  
10 under subsection (a).

11 **Subtitle C—Office of Technological**  
12 **Assessment**

13 **SEC. 521. REESTABLISHMENT OF THE OFFICE OF TECHNO-**  
14 **LOGICAL ASSESSMENT.**

15 (a) SHORT TITLE AMENDMENT.—The first section of  
16 the Technology Assessment Act of 1972 (2 U.S.C. 471  
17 note) is amended by striking “Technology Assessment Act  
18 of 1972” and inserting the “Office of Technology Assess-  
19 ment Reestablishment Act of 2007”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
21 12(a) of the Office of Technology Assessment Reestablish-  
22 ment Act of 2007 (as so renamed by section 1 of this Act)  
23 (2 U.S.C. 481(a)) is amended by striking “\$5,000,000 in  
24 the aggregate for the two fiscal years ending June 30,  
25 1973, and June 30, 1974, and thereafter such sums as

1 may be necessary” and inserting “\$25,000,000 for each  
2 of the fiscal years 2008 through 2013”.

3 (c) ESTABLISHMENT OF THE OFFICE OF TECH-  
4 NOLOGY ASSESSMENT.—Section 3(c) of the Office of  
5 Technology Assessment Reestablishment Act of 2007  
6 (U.S.C. 471) is amended by—

7 (1) striking “and” at the end of paragraph (7);

8 (2) striking “.” at the end of paragraph (8),  
9 and inserting “;”; and

10 (3) adding after paragraph (8) the following  
11 language:

12 “(9) make assessments relating to the uses and  
13 application of technology to address current national  
14 science and technology policy issues; and

15 “(10) assess and analyze foreign science and  
16 technologies that have the capability of contributing  
17 to solving energy security related issues through in-  
18 corporation of foreign science and technologies into  
19 the technology portfolio of the United States.”.

20 **SEC. 522. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums  
22 that are necessary to carry out this title.

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