110TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
110–300

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3221) MOVING THE UNITED STATES TOWARD GREATER ENERGY INDEPENDENCE AND SECURITY, DEVELOPING INNOVATIVE NEW TECHNOLOGIES, REDUCING CARBON EMISSIONS, CREATING GREEN JOBS, PROTECTING CONSUMERS, INCREASING CLEAN RENEWABLE ENERGY PRODUCTION, AND MODERNIZING OUR ENERGY INFRASTRUCTURE, AND FOR CONSIDERATION OF THE BILL (H.R. 2776) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE TAX INCENTIVES FOR THE PRODUCTION OF RENEWABLE ENERGY AND ENERGY CONSERVATION

AUGUST 3, 2007.—Referred to the House Calendar and ordered to be printed

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Mr. WELCH, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 615]

The Committee on Rules, having had under consideration House Resolution 615, by a record vote of 9 to 0, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3221 and H.R. 2776. The rule provides a structured rule for H.R. 3221, the "New Direction for Energy Independence, National Security, and Consumer Protection Act." The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides 2 hours of general debate, with 15 minutes equally divided and controlled by the chairman and ranking minority member of each of the Committees on Energy and Commerce, Natural Resources, Science and Technology, Transportation and Infrastructure, Education and Labor, Foreign Affairs, Small Business, and Oversight and Government Reform.

The resolution provides that the amendment printed in part A of this report shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for purpose of further amendment and shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended.

The resolution makes in order only those further amendments printed in part B of this report and waives all points of order

against such amendments except those arising under clause 9 or 10 of rule XXI. Amendments so printed may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment or demand for a division of the question in the House or in the Committee of the Whole. The resolution provides one motion to recommit H.R. 3221 with or without instructions.

The rule provides a closed rule for H.R. 2776, "Renewable Energy and Energy Conservation Tax Act of 2007." The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The resolution provides one motion to recommit H.R. 2776 with or without instructions.

The resolution further provides that, in the engrossment of H.R. 3221, the Clerk shall add the text of H.R. 2776, as passed by the House, as new matter at the end of H.R. 3221. Upon such engrossment, H.R. 2776 shall be laid on the table. Finally, notwithstanding the operation of the previous question, during consideration in the House of either H.R. 3221 or H.R. 2776, the Chair may postpone further consideration until a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against H.R. 3221 and its consideration (except those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill or its consideration. The waivers of all points of order against H.R. 3221 and its consideration are prophylactic in nature. Although the resolution waives all points of order against H.R. 2776 and its consideration (except those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill or its consideration. The waivers of all points of order against H.R. 2776 and its consideration are prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 288

Date: August 3, 2007.
Measure: H.R. 3221/H.R. 2776.
Motion by: Mr. McGovern.
Summary of motion: To report the rule.
Results: Adopted 9–0.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Slaughter—Yea.

SUMMARY OF AMENDMENT IN PART A TO BE CONSIDERED AS ADOPTED

The amendment makes technical changes and adds language to titles II, IV, VII, VIII, and IX. The amendment adds the Feedstock Flexibility Program to the underlying bill and reduces funding for the biomass program contained in Title V sufficient to reduce outlays and comply with PAYGO requirements.

SUMMARY OF AMENDMENTS IN PART B MADE IN ORDER

(summaries derived from information provided by sponsors)

1. Blumenauer (OR): The amendment to title IX would encourage natural gas utilities to plan for and prioritize energy efficiency. It requires state regulators to consider crafting rate policies that align utility revenue recovery measures with incentives for energy conservation. (10 minutes)

2. Shays (CT): The amendment doubles the current level of funding for 2007 and 2008 for the weatherization assistance program in section 9034(a). (10 minutes)

3. Hooley (OR)/McCaul (TX)/Matheson (UT): The amendment to title IX authorizes the Administrator of the EPA to enter into an arrangement with the Secretary of Education & the Secretary of Energy to conduct a study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K–12 schools. There are authorized to be appropriated for carrying out this section $200,000 for each of the fiscal years 2008 through 2012. (10 minutes)

4. Pitts (PA): The amendment would except boilers that operate without the need for electricity supply from the energy efficiency requirements in section 9003(4) of the bill, regarding appliance efficiency. (10 minutes)

5. Terry (NE): The attached amendment to title IX would add a section to accelerate the adoption of geothermal heat pumps by the Federal government. (10 minutes)

6. Udall, Tom (NM)/Pallone (NJ)/Van Hollen (MD)/Waxman (CA)/Udall, Mark (CO)/Rodriguez (TX)/DeGette (CO)/Platts (PA): Requires electric suppliers, other than governmental entities and rural electric cooperatives, to provide 15 percent of their electricity using renewable energy resources by the year 2020. Allows 4 percent of the requirement to be satisfied with electricity efficiency measures. (10 minutes)

7. Van Hollen (MD): The amendment to title IX would add a sixth policy option to H.R. 3221's existing "State Must Consider" language asking state regulatory authorities and nonregulated utilities to consider "offering home energy audits, publicizing the financial and environmental benefits associated with home energy efficiency improvements and educating homeowners about all existing federal and state incentives, including the availability of low-cost loans, that make home energy efficiency improvements more affordable." (10 minutes)

8. Schwartz (PA): The amendment to title IX requires all federal government agencies to change their acquisitions rules for planning meetings and conferences to consider the environmentally pref-

erable features and practices of a vendor, similar to the acquisition rules of the Environmental Protection Agency. (10 minutes)

9. Arcuri (NY)/Hinchey (NY)/Hall, John (NY): The amendment to title IX would repeal the availability of Federal eminent domain authority for use by companies permitted by FERC to construct or modify transmission lines within National Interest Electric Transmission Corridors. In place of this, the amendment would amend section 216(e) of the Federal Power Act to require permitted companies to proceed in accordance with state law for the state in which the property is located. (10 minutes)

10. Hodes (NH)/Welch (VT): The amendment to title IX would order the Secretary of Energy to conduct a study of the renewable energy system rebate program for homes and small businesses, described in section 206–c of the Energy Policy Act of 2005. The study would require a plan for the program if it were funded, and determine the minimum amount the program would need to be viable. (10 minutes)

11. Murphy, Tim (PA): This amendment modifies Sec. 9502(a) of H.R. 3221 to ensure that the Energy Information Administration restores its previously-terminated collection of data on solid by-products from coal-based energy producing facilities and makes improvements on these data. (10 minutes)

12. Murphy, Christopher (CT): This amendment to title IX will require the Federal Energy Regulatory Commission to hold one public meeting before issuing a permit, license, or authorization that will affect land use when a public meeting is requested by at least five individuals or an organization representing 30 or more people. If a request for reconsideration is granted and the request was filed before enactment of this section and a hearing had not been held before the permit or authorization concerned was issued, the Commission must hold a hearing. (10 minutes)

13. Sali (ID): The amendment to title IX provides a sense of the Congress recognizing and supporting large and small scale conventional hydropower. (10 minutes)

14. Welch (VT): The amendment to title IX would establish a grant program for Colleges and Universities to invest in sustainable and efficient energy projects, up to $1 million for efficiency and $500,000 for sustainability. (10 minutes)

15. Castle (DE)/Delahunt (MA): The amendment to title VII requires the Minerals Management Service to submit a report to Congress on the status of regulations required to be issued with respect to offshore wind energy production. (10 minutes)

16. Wu (OR): Amends title IV to require the Secretary of Energy to establish a grant program for universities to research and develop renewable energy technologies. Priority is given to universities in low income and rural communities with proximity to trees dying of disease or insect infestation. Authorizes $25 million for the total program. (10 minutes)

17. Giffords (AZ): This amendment to title IV would create a Solar Energy Industries Research and Promotion Board to increase consumer awareness nationwide of solar energy options and appropriate certifications. The solar program would be funded entirely by a small portion of industry revenues. No appropriations are authorized. (10 minutes)

18. Tauscher (CA)/Rogers, Mike (MI): The amendment to title VIII would create a pilot program in urbanized and other than urbanized areas to increase the use of vanpooling and the number of vanpools in service. (10 minutes)

19. Holt (NJ): The amendment to title VIII would require the Center for Climate Change Environment and the Environmental Protection Agency to examine the potential fuel savings from intelligent transportation systems that would help businesses and consumers to plan their travel and avoid delays, including web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems. (10 minutes)

20. Hastings (FL): The amendment to title II makes findings regarding fuel supplies and expresses the Sense of Congress that the U.S. should further global energy security and promote democratic development in resource rich foreign countries by encouraging further participation in the Extractive Industries Transparency Initiative (EITI) and other international initiatives. (10 minutes)

21. Solis (CA)/Carnahan (MO): This amendment to title II requires an assessment of current and anticipated needs of developing countries in adapting to climate change, which includes a strategy to address these needs and an identification of funding sources for such purposes. (10 minutes)

22. Cleaver (MO): The amendment to the Energy Policy Act of 1992 would prohibit any Federal agency, including any office of the legislative branch, from acquiring a light duty motor vehicle or medium duty motor vehicle that is not a low greenhouse gas emitting vehicle. (10 minutes)

23. Sarbanes (MD)/Wolf (VA): The amendment to title VI requires federal agencies to develop and implement a telework (work from home or close to home) policy for eligible employees excluding those who handle secure materials or special equipment; are assigned to national security functions; or voluntarily decline the telework option. (10 minutes)

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

In section 2203(a)(1), strike "India and China" and insert "such countries".

In section 2203(a)(2), strike "India and China" and insert "such countries".

In title IV, add at the end the following new subtitle:

Subtitle H—H-PRIZE

SEC. 4701. H-PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following new subsection:

"(f) H-PRIZE.—

"(1) PRIZE AUTHORITY.—

"(A) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to competitively award cash prizes in conformity with this subsection to advance the research, development, demonstra-

tion, and commercial application of hydrogen energy technologies.

"(B) ADVERTISING AND SOLICITATION OF COMPETITORS.—

"(i) ADVERTISING.—The Secretary shall widely advertise prize competitions under this subsection to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

"(ii) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this subsection by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

"(C) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions under this subsection, subject to the provisions of this subsection (in this subsection referred to as the 'administering entity'). The duties of the administering entity under the agreement shall include—

"(i) advertising prize competitions under this subsection and their results;

"(ii) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this subsection;

"(iii) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions under this subsection, based on goals provided by the Secretary;

"(iv) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded under this subsection, subject to the final approval of the Secretary with respect to Federal funding;

"(v) providing advice and consultation to the Secretary on the selection of judges in accordance with paragraph (2)(D), using criteria developed in consultation with and subject to the final approval of the Secretary; and

"(vi) protecting against the administering entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive pro-

gram under this subsection may be withheld from public disclosure.

"(D) FUNDING SOURCES.—Prizes under this subsection shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subparagraph (C)(ii)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program under this subsection. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

"(E) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subparagraph (B)(ii) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subparagraph (B)(ii) if—

"(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

"(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

"(F) SUNSET.—The authority to announce prize competitions under this subsection shall terminate on September 30, 2018.

"(2) PRIZE CATEGORIES.—

"(A) CATEGORIES.—The Secretary shall establish prizes under this subsection for—

"(i) advancements in technologies, components, or systems related to—

"(I) hydrogen production;

"(II) hydrogen storage;

"(III) hydrogen distribution; and

"(IV) hydrogen utilization;

"(ii) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

"(iii) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

"(B) AWARDS.—

"(i) ADVANCEMENTS.—To the extent permitted under paragraph (1)(E), the prizes authorized under subparagraph (A)(i) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subclauses (I) through (IV) of

subparagraph (A)(i) since the submission deadline of the previous prize competition in the same category under subparagraph (A)(i) or the date of enactment of this subsection, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subparagraph (A)(i), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

"(ii) PROTOTYPES.—To the extent permitted under paragraph (1)(E), prizes authorized under subparagraph (A)(ii) shall be awarded biennially in alternate years from the prizes authorized under subparagraph (A)(i). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subparagraph (C) for a competition under this clause, the Secretary shall not award a prize.

"(iii) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under paragraph (1)(E), the Secretary shall announce one prize competition authorized under subparagraph (A)(iii) as soon after the date of enactment of this subsection as is practicable. A prize offered under this clause shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by paragraph (1)(B)(ii). The Secretary shall award a prize under this clause only when a registered participant has met the objective criteria established for the prize pursuant to subparagraph (C) and announced pursuant to paragraph (1)(B)(ii). Not more than $10,000,000 in Federal funds may be used for the prize award under this clause. The administering entity shall seek to raise $40,000,000 toward the matching award under this clause.

"(C) CRITERIA.—In establishing the criteria required by this subsection, the Secretary—

"(i) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

"(ii) shall consult with other Federal agencies, including the National Science Foundation; and

"(iii) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

"(D) JUDGES.—For each prize competition under this subsection, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subparagraph (C). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

"(i) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

"(ii) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

"(3) ELIGIBILITY.—To be eligible to win a prize under this subsection, an individual or entity—

"(A) shall have complied with all the requirements in accordance with the Federal Register notice required under paragraph (1)(B)(ii);

"(B) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

"(C) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

"(4) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this subsection, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this subsection. This paragraph shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subsection.

"(5) LIABILITY.—

"(A) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subsection. The Secretary shall give notice of any waiver required under this subparagraph in the notice required by paragraph (1)(B)(ii). The Secretary may not require a registered participant to waive claims against the

administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

"(B) LIABILITY INSURANCE.—

"(i) REQUIREMENTS.—Registered participants in a prize competition under this subsection shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

"(I) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this subsection; and

"(II) the Federal Government for damage or loss to Government property resulting from such an activity.

"(ii) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under clause (i)(I), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this subsection.

"(6) REPORT TO CONGRESS.—Not later than 60 days after the awarding of the first prize under this subsection, and annually thereafter, the Secretary shall transmit to the Congress a report that—

"(A) identifies each award recipient;

"(B) describes the technologies developed by each award recipient; and

"(C) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this subsection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—

"(i) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this subsection—

"(I) $20,000,000 for awards described in paragraph (2)(A)(i);

"(II) $20,000,000 for awards described in paragraph (2)(A)(ii); and

"(III) $10,000,000 for the award described in paragraph (2)(A)(iii).

"(ii) ADMINISTRATION.—In addition to the amounts authorized in clause (i), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this subsection.

"(B) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subsection shall remain available until expended, and may be transferred, reprogrammed, or

expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subsection permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

"(8) NONSUBSTITUTION.—The programs created under this subsection shall not be considered a substitute for Federal research and development programs.".

In section 5003, strike paragraph (7) and insert the following new paragraph:

(7) by adding at the end the following new subsections:

"(k) ADDITIONAL FUNDING FOR LOAN GUARANTEES.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(1) $50,000,000 for fiscal year 2008;
"(2) $65,000,000 for fiscal year 2009;
"(3) $75,000,000 for fiscal year 2010;
"(4) $150,000,000 for fiscal year 2011; and
"(5) $250,000,000 for fiscal year 2012.

"(l) CONTINUATION OF OPERATIONS.—

"(1) FUNDING.—The Secretary shall continue to carry out this section at the rate of operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

"(2) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.".

In section 5006, strike paragraph (7) and insert the following:

(7) by adding at the end the following new subsection:

"(h) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

"(A) $40,000,000 for fiscal year 2008;
"(B) $60,000,000 for fiscal year 2009;
"(C) $75,000,000 for fiscal year 2010;
"(D) $100,000,000 for fiscal year 2011; and
"(E) $150,000,000 for fiscal year 2012.

"(3) CONTINUATION OF OPERATIONS.—

"(A) FUNDING.—The Secretary shall continue to carry out this section at the rate of operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

"(B) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.".

Section 9008(j) of the Farm Security and Rural Investment Act of 2002, as amended by section 5007 of the bill, is amended to read as follows:

"(j) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

"(A) $18,000,000 for fiscal year 2008;
"(B) $28,000,000 for fiscal year 2009;
"(C) $40,000,000 for fiscal year 2010;
"(D) $50,000,000 for fiscal year 2011; and
"(E) $100,000,000 for fiscal year 2012.

"(2) CONTINUATION OF OPERATIONS.—

"(A) FUNDING.—The Secretary shall continue to carry out this section at the rate of operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

"(B) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.".

In section 5008, strike paragraph (3) and insert the following new paragraph:

(3) by striking subsection (c) and inserting the following:

"(c) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section—

"(A) $150,000,000 for fiscal year 2008;
"(B) $150,000,000 for fiscal year 2009;
"(C) $170,000,000 for fiscal year 2010;
"(D) $180,000,000 for fiscal year 2011; and
"(E) $286,000,000 for fiscal year 2012.

"(2) CONTINUATION OF OPERATIONS.—

"(A) FUNDING.—The Secretary shall continue to carry out this section at the rate of operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

"(B) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.".

At the end of title V add the following new section:

SEC. 5012. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

"SEC. 9014. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

"(a) DEFINITIONS.—In this section:

"(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

"(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

"(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

"(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

"(1) IN GENERAL.—

"(A) PURCHASES AND SALES.—For each of fiscal years 2008 through 2012, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that 156 of the Federal Agricultural Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

"(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in fiscal years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(2) NOTICE.—

"(A) IN GENERAL.—Not later than September 1, 2007, and each September 1 thereafter through fiscal year 2011, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the subsequent fiscal year under this section.

"(B) REESTIMATES.—Not later than the first day of each of the second through fourth quarters of each of fiscal years 2008 through 2012, the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

"(3) COMMODITY CREDIT CORPORATION INVENTORY.—To the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall sell such commodity to bioenergy producers under this section.

"(4) TRANSFER RULE; STORAGE FEES.—

"(A) GENERAL TRANSFER RULE.—Except as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this subsection take possession of such commod-

ities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

"(B) PAYMENT OF STORAGE FEES PROHIBITED.—

"(i) IN GENERAL.—The Secretary shall, to the greatest extent practicable, carry out this subsection in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this subsection.

"(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

"(C) OPTION TO PREVENT STORAGE FEES.—

"(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase such commodities to be used to satisfy the contracts entered into with the bioenergy producers.

"(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases such commodities.

"(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, such sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

"(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.".

In section 7306, in the amendment adding section 210 to the Energy Policy Act of 2005, in subsection (d) of such section 210, before the last sentence insert "The Secretary concerned may direct a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), and reauthorized by the amendments made by Public Law 110–28, to carry out the requirements of this subsection." .

In section 8201(b)(1) insert "or in the case of subsection (f) of such section 5311, intercity bus service," after "charges for public transportation,".

In section 8201(b)(1) insert ", or in the case of subsection (f) of such section 5311, intercity bus service," after "provide the public transportation".

In section 8201(b)(2) insert "or in the case of subsection (f) of such section 5311, intercity bus service," after "expand public transportation service,".

In section 8201(b)(2) insert ", or in the case of subsection (f) of such section 5311, intercity bus service," after "provide the public transportation service".

Add at the end of part 3 of subtitle F of title VIII the following new section:

SEC. 8655. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(c) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Architect of the Capitol, in conjunction with the Chief Administrative Officer of the House of Representatives, shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

Page 478, after line 8, insert the following :

SEC. 8656. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS AND CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers and the chiller plant at the Capitol Power Plant in the most

energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures, adjusting the operation of the boilers, adjusting water temperatures, and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the systems.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(c) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Architect of the Capitol, in conjunction with the Chief Administrative Officer of the House of Representatives, shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

In section 9001(a)(2), in the proposed paragraph (9), strike "Clotheswashers" and insert "A top-loading or front-loading standard-size residential clotheswasher".

Strike section 9015 and insert the following:

SEC. 9015. STANDBY MODE.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraph (5), and paragraphs (6) and (7) (as added by this Act) as paragraphs (2), (3), and (4), respectively; and

(2) by adding at the end the following new subsection:

"(ii) STANDBY MODE ENERGY USE.—

"(1) DEFINITIONS.—

"(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), the definitions in this subsection, for the purpose of this subsection, shall apply:

"(i) The term 'active mode' means the condition in which an energy using product is connected to a mains power source, has been activated, and provides one or more main functions.

"(ii) The term 'off mode' means the condition in which an energy using product is connected to a mains power source and is not providing any standby or active mode function.

"(iii) The term 'standby mode' means the condition in which an energy using product is connected to a

mains power source and offers one or more of the following user oriented or protective functions:

"(I) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

"(II) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

"(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

"(2) TEST PROCEDURES.—(A) Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

"(i) the current test procedures for a covered product already fully account for and incorporate its standby mode and off mode energy consumption; or

"(ii) such an integrated test procedure is technically infeasible for a particular covered product, whereupon the Secretary shall promulgate a separate standby mode and off mode energy use test procedure for such product, if technically feasible.

"(B) The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

"(i) December 31, 2008, for battery chargers and external power supplies.

"(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

"(iii) June 30, 2009, for residential clothes washers.

"(iv) September 30, 2009, for residential furnaces and boilers.

"(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

"(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

"(C) The test procedure amendments adopted pursuant to subparagraph (B) shall not be used to determine compliance with product standards established prior to the adoption of such amended test procedures.

"(3) INCORPORATION INTO STANDARD.—Based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), where feasible. Where not feasible, the

Secretary shall promulgate within such final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o).".

SEC. 9016. BATTERY CHARGERS.

Section 325(u) is amended—

(1) in paragraph (1)(E)(i)—

(A) by inserting "(I)" after "(E)(i)";

(B) by striking "battery chargers and" each place it appears; and

(C) by adding at the end the following new subclause:

"(II) Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified."; and

(2) in paragraph (4), by striking "3 years" and inserting "2 years".

SEC. 9017. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

"(G) Walk-in coolers and walk-in freezers.";

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

"(20) The terms 'walk-in cooler' and 'walk-in freezer' mean an enclosed storage space refrigerated to temperatures, respectively, above and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3000 square feet. These terms exclude products designed and marketed exclusively for medical, scientific, or research purposes.".

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

"(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—(1) Each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall meet the following specifications:

"(A) Have automatic door closers that firmly close all walk-in doors that have been closed to within one inch of full closure. This requirement does not apply to doors wider than 3 feet 9 inches or taller than 7 feet.

"(B) Have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open.

"(C) Contain wall, ceiling, and door insulation of at least R-25 for coolers and R-32 for freezers. Door insulation requirements do not apply to glazed portions of doors, nor to structural members.

"(D) Contain floor insulation of at least R-28 for freezers.

"(E) For evaporator fan motors of under one horsepower and less than 460 volts, use either—

"(i) electronically commutated motors (brushless direct current motors); or

"(ii) three-phase motors.

The portion of the requirement for electronically commuted motors shall take effect January 1, 2009, unless, prior to this date, the Secretary determines that such motors are only available from one manufacturer. The Secretary may also allow other types of motors if the Secretary determines that, on average, these other motors use no more energy in evaporator fan applications than electronically commutated motors. The Secretary shall establish this maximum energy consumption level no later than January 1, 2010.

"(F) For condenser fan motors of under one horsepower, use—

"(i) electronically commutated motors;

"(ii) permanent split capacitor-type motors; or

"(iii) three-phase motors.

"(G) For all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any). Light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in cooler or walk-in freezer is not occupied.

"(2) Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

"(A) Transparent reach-in doors and windows in walk-in doors for walk-in freezers shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

"(B) Transparent reach-in doors for walk-in coolers and windows in walk-in doors shall be either—

"(i) double-pane glass with heat-reflective treated glass and gas fill; or

"(ii) triple pane glass with either heat-reflective treated glass or gas fill.

"(C) If the appliance has an antisweat heater without antisweat heat controls, then the appliance shall have a total door rail, glass, and frame heater power draw of no more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers).

"(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers), then the antisweat heat controls shall reduce the energy use of the antisweat heater in an amount corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

"(3) Not later than January 1, 2012, the Secretary shall publish performance-based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy which the Secretary determines is technologically feasible and economically justified. Such standards shall apply to products manufactured three years after the final rule is published un-

less the Secretary determines, by rule, that three years is inadequate, in which case the Secretary may set an effective date for products manufactured no greater than five years after the date of publication of a final rule for these products.

"(4) Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (3) should be amended. The rule shall provide that such standards shall apply to products manufactured three years after the final rule is published unless the Secretary determines, by rule, that three years is inadequate, in which case the Secretary may set an effective date for products manufactured no greater than five years after the date of publication of a final rule for these products.".

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

"(9) For walk-in coolers and walk-in freezers:

"(A) R value is defined as 1/K factor multiplied by the thickness of the panel. K factor shall be based on ASTM test procedure C518-2004. For calculating R value for freezers, the K factor of the foam at 20F (average foam temperature) shall be used. For calculating R value for coolers the K factor of the foam at 55F (average foam temperature) shall be used.

"(B) Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers. Such test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.".

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting "walk-in coolers and walk-in freezers," after "commercial clothes washers," each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316), is amended—

(1) by striking "subparagraphs (B), (C), (D), (E), and (F)" and inserting "subparagraphs (B), (C), (D), (E), (F), and (G)" each place it appears; and

(2) by adding at the end the following:

"(h)(1)(A)(i) Except as provided in clause (ii) and paragraphs (2) and (3), section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1) and (2) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

"(ii) Any State standard issued before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

"(B) In applying section 327 to the equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(2)(A) If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the time frame specified in section 342(f)(3) or (4), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in cooler or

walk-in freezer for the period beginning on the day after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

"(B) Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

"(3) Any standard issued in the State of California before January 1, 2011, under Title 20 of the California Code of Regulations, which refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1) and (2) of section 342(f), shall not be preempted until the standards established under paragraph (3) of section 342(f) take effect.".

In part 2 of subtitle A of title IX, add at the end the following new section:

SEC. 9024. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

"(57) The term 'ballast' means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

"(58) The term 'metal halide lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

"(59) The term 'metal halide lamp fixture' means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

"(60) The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

"(61) The term 'pulse-start metal halide ballast' means an electronic or electromagnetic ballast that starts a pulse start metal halide lamp with high voltage pulses. Lamps are started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge. To complete the starting process, power is provided by the ballast to sustain the discharge through the glow-to-arc transition.

"(62) The term 'probe-start metal halide ballast' means a ballast that starts a probe start metal halide lamp which contains a third starting electrode (probe) in the arc tube. This ballast does not generally contain an igniter and instead starts lamps with high ballast open circuit voltage.

"(63) The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

"(64) The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

"(65) The term 'ballast efficiency' for a high intensity discharge fixture means the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated by Efficiency = Pout/Pin, as measured. Pout is the measured oper-

ating lamp wattage, and Pin is the measured operating input wattage. The lamp, and the capacitor when it is provided, is to constitute a nominal system in accordance with the ANSI Standard C78.43-2004. Pin and Pout are to be measured after lamps have been stabilized according to Section 4.4 of ANSI Standard C82.6-2005 using a wattmeter with accuracy specified in Section 4.5 of ANSI Standard C82.6-2005 for ballasts with a frequency of 60 Hz, and shall have a basic accuracy of ± 0.5 percent at the higher of—

"(A) three times the output operating frequency of the ballast; or

"(B) 2 kHz for ballast with a frequency greater than 60 Hz.

The Secretary may, by rule, modify this definition if he determines that such modification is necessary or appropriate to carry out the purposes of this Act.".

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

"(19) Metal halide lamp fixtures.".

(c) TEST PROCEDURES.—Section 323(c) of the Energy Policy and Conservation Act (42 U.S.C. 6293(c)) is amended by adding at the end the following:

"(17) Test procedures for metal halide lamp ballasts shall be based on American National Standards Institute Standard C82.6-2005, entitled 'Ballasts for High Intensity Discharge Lamps—Method of Measurement'.".

(d) LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) The Commission shall prescribe labeling rules under this section applicable to the covered product specified in paragraph (19) of section 322(a) and to which standards are applicable under section 325. Such rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or nine months after enactment of this subparagraph, will indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter 'E' printed within a circle on the packaging of the fixture, and on the ballast contained in such fixture.".

(e) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsection (gg) as subsection (hh);

(2) by inserting after subsection (ff) the following:

"(gg) METAL HALIDE LAMP FIXTURES.—

"(1)(A) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

"(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

"(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

"(iii) a non-pulse-start electronic ballast with a minimum ballast efficiency of 92 percent for wattages greater than 250 watts and a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

"(B) The standards in subparagraph (A) do not apply to fixtures with regulated lag ballasts, fixtures that use electronic ballasts that operate at 480 volts, or fixtures that meet all of the following criteria:

"(i) Rated only for 150 watt lamps.

"(ii) Rated for use in wet locations as specified by the National Electrical Code 2002, Section 410.4(A).

"(iii) Contain a ballast that is rated to operate at ambient air temperatures above 50° C as specified by UL 1029-2001.

"(C) The standard in subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of January 1, 2009, or 9 months after the date of enactment of this subsection.

"(2) Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended. Such final rule shall contain the amended standards, if any, and shall apply to products manufactured after January 1, 2015.

"(3) Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended. Such final rule shall contain the amended standards, if any, and shall apply to products manufactured after January 1, 2022.

"(4) Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements."; and

(3) in subsection (hh), as so redesignated by paragraph (1) of this subsection, by striking "(ff)" both places it appears and inserting "(gg)".

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) by striking the period at the end of paragraph (8)(B) and inserting "; and"; and

(2) by adding at the end the following:

"(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011. If the Secretary fails to issue a final rule within 6 months after the deadlines for rulemakings in section 325(gg) then, notwithstanding any other provision of this section, preemption does not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before July 1, 2015, if the Secretary misses the deadline specified in paragraph (2) of section 325(gg), or on or before July 1, 2022, if the Secretary misses the deadline specified in paragraph (3) of section 325(gg).".

In section 9031(a), in the proposed section 304(a)(2)(B), insert "Any such modified code or standard shall achieve the maximum level of energy savings that are technically feasible and economically justified, incorporating available appliances, technologies, materials, and construction practices." after "meets such targets.".

In section 9032(a), insert "Such standards shall be established after notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties, and after consultation with the Secretary of Housing and Urban Development who may seek further counsel from the Manufactured Housing Consensus Committee." after "manufactured housing.".

In section 9034(a), insert "In implementing the Alternative Delivery System Pilot Project, the Secretary shall consider (1) the expected effectiveness and benefits of the proposed Pilot Project to low- and moderate-income energy consumers; (2) the potential for replication of successful results; (3) the impact on the energy costs of those served; and (4) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships. Funding for such projects may equal up to two percent of funding in any fiscal year, provided that no funding is utilized for such demonstrations in any fiscal year in which Weatherization appropriations are less than $275,000,000." after "cold urban areas.".

In section 9301, amend subsection (j) to read as follows:

(j) DOUBLE COUNTING.—No person that receives a credit under section 30C of the Internal Revenue Code of 1986 may receive assistance under this section.

Amend the table of contents accordingly.

PART B—TEXT OF AMENDMENTS TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, after subtitle F, insert:

Subtitle G—Natural Gas Utilities

SEC. 9511. NATURAL GAS UTILITIES.

(a) IN GENERAL.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)) is amended by adding at the end the following:

"(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

"(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

"(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph.

"(6) RATE POLICY MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) ensuring that utilities' recovery of authorized revenues is independent of the amount of customers' natural gas consumption;

"(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

"(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

"(iv) adopting rate designs that encourage energy efficiency for each customer class.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph.".

(b) CONFORMING AMENDMENT.—Section 303(b)(2) of such Act is amended by striking "and (4)" inserting "(4), (5), and (6)" in lieu thereof.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHAYS OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 9034(a), strike "$600,000,000 for fiscal year 2007, and $750,000,000" and insert "$1,200,000,000 for fiscal year 2007, and $1,400,000,000".

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOOLEY OF OREGON, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In part 6 of subtitle A of title IX, add at the end the following new section:

SEC. 9077. STUDY ON INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the Secretary of Education and the Secretary of Energy to conduct a detailed study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K-12 schools.

(b) CONTENTS.—The study shall—

(1) investigate synergistic effects of multiple perceived stressors, including thermal discomfort, visual discomfort, acoustical dissatisfaction such as noise and loss of speech privacy, and air quality dissatisfaction;

(2) identify how sustainable building features, such as energy efficiency, are influencing these human outcomes singly and in concert; and

(3) ensure that the impacts of the indoor environmental quality are evaluated as a whole.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $200,000 for each of the fiscal years 2008 through 2012.

Amend the table of contents accordingly.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PITTS OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 9003(4), in the proposed paragraph (3), add at the end the following new subparagraph:

"(C) EXCEPTION.—Boilers that are manufactured to operate without any need for electricity, any electric connection, any electric gauges, electric pumps, electric wires, or electric devices of any sort, shall not be required to meet the requirements of this section.".

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TERRY OF NEBRASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, at the end of Part 4 of subtitle A, add the following new section and make the necessary conforming amendments in the table of contents:

SEC. 9053. GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) Definitions—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) GENERAL SERVICES ADMINISTRATION FACILITY.—

(A) IN GENERAL.—The term "General Services Administration facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility), that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "General Services Administration facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "General Services Administration facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95-619 (42 U.S.C. 8253(c)).

(b) Establishment—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of geothermal heat pumps at General Services Administration facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of geothermal heat pump recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF GEOTHERMAL HEAT PUMP TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of geothermal heat pump technologies in General Services Administration facilities; and

(ii) the availability to managers of General Services Administration facilities of geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of geothermal heat pumps by Federal agencies in General Services Administration facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify geothermal heat pump technology standards that could be used for all types of General Services Administration facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies in each General Services Administration facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing heating and cooling technologies with geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each General Services Administration facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations,

maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GENERAL SERVICES ADMINISTRATION FACILITY GEOTHERMAL HEAT PUMP TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of geothermal heat pump technologies is designated for each General Services Administration facility geothermal heat pump technologies and practices facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) includes an estimate of the funds necessary to carry out this section;

(B) describes the status of the implementation of geothermal heat pump technologies and practices at General Services Administration facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this Act; and

(ii) the status of funding requests and appropriations for those programs;

(C) identifies within the planning, budgeting, and construction processes, all types of General Services Administration facility-related procedures that inhibit new and existing General Services Administration facilities from implementing geothermal heat pump technologies;

(D) recommends language for uniform standards for use by Federal agencies in implementing geothermal heat pump technologies and practices;

(E) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of geothermal heat pump technologies and practices;

(F) achieves substantial operational cost savings through the application of geothermal heat pump technologies; and

(G) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (F).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TOM UDALL OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, after subtitle F, insert the following new subtitle and make the necessary conforming changes in the table of contents:

Subtitle G—Federal Renewable Portfolio Standard

SEC. 9600. FEDERAL RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

"SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) DEFINITIONS.—For purposes of this section:

"(1) BIOMASS.—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy; or

"(ii) nonhazardous, plant or algal matter that is derived from any of the following:

"(I) An agricultural crop, crop byproduct or residue resource.

"(II) Waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic or metals).

"(III) Gasified animal waste.

"(IV) Landfill methane.

"(B) NATIONAL FOREST LANDS AND CERTAIN OTHER PUBLIC LANDS.—With respect to organic material removed from National Forest System lands or from public lands administered by the Secretary of the Interior, the term 'biomass' covers only organic material from (i) ecological forest restoration; (ii) pre-commercial thinnings; (iii) brush; (iv) mill residues; and (v) slash.

"(C) EXCLUSION OF CERTAIN FEDERAL LANDS.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass are not included in the term biomass if they are located on the following Federal lands:

"(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from such land is appropriate for the applicable forest type and maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition.

"(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

"(iii) Wilderness Study Areas.

"(iv) Inventoried roadless areas.

"(v) Components of the National Landscape Conservation System.

"(vi) National Monuments.

"(2) ELIGIBLE FACILITY.—The term 'eligible facility' means—

"(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2001; or

"(B) a repowering or cofiring increment.

"(3) EXISTING FACILITY.—The term 'existing facility' means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

"(4) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

"(5) INDIAN LAND.—The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

"(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation;

"(C) any dependent Indian community; or

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

"(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

"(8) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar (including solar water heating), wind, ocean, tidal, geothermal energy, biomass, landfill gas, or incremental hydropower.

"(9) REPOWERING OR COFIRING INCREMENT.—The term 'repowering or cofiring increment' means—

"(A) the additional generation from a modification that is placed in service on or after January 1, 2001, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section; or

"(B) the additional generation above the average generation in the 3 years preceding the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.

"(10) RETAIL ELECTRIC SUPPLIER.—The term 'retail electric supplier' means a person that sells electric energy to electric consumers (other than consumers in Hawaii) that sold not less than 1,000,000 megawatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year; except that such term does not include the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or a rural electric cooperative.

"(11) RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available, excluding —

"(A) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

"(B) electricity generated through the incineration of municipal solid waste.

"(b) COMPLIANCE.—For each calendar year beginning in calendar year 2010, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, one or more of the following:

"(1) Federal renewable energy credits issued under subsection (e).

"(2) Federal energy efficiency credits issued under subsection (i), except that Federal energy efficiency credits may not be used to meet more than 27 percent of the requirements of subsection (c) in any calendar year.

"(3) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(3)(G).

"(4) Alternative compliance payments pursuant to subsection (j).

"(c) REQUIRED ANNUAL PERCENTAGE.—For calendar years 2010 through 2039, the required annual percentage of the retail electric supplier's base amount that shall be generated from renewable energy resources, or otherwise credited towards such percentage requirement pursuant to subsection (d), shall be the percentage specified in the following table:

"Calendar Years	**Required annual percentage**
2010	2.75
2011	2.75
2012	3.75
2013	4.5
2014	5.5
2015	6.5
2016	7.5
2017	8.25
2018	10.25

"Calendar Years	Required annual percentage
2019	12.25
2020 and thereafter through 2039	15

"(d) RENEWABLE ENERGY AND ENERGY EFFICIENCY CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

"(A) issued to the retail electric supplier under subsection (e);

"(B) obtained by purchase or exchange under subsection (f) or (g); or

"(C) borrowed under subsection (h).

"(2) A retail electric supplier may satisfy the requirements of subsection (b)(2) through the submission of Federal energy efficiency credits issued to the retail electric supplier obtained by purchase or exchange pursuant to subsection (i)."

"(3) A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once. A Federal energy efficiency credit may be counted toward compliance with subsection (b)(2) only once.

"(e) ISSUANCE OF CREDITS.—(1) The Secretary shall establish by rule, not later than 1 year after the date of enactment of this section, a program to verify and issue Federal renewable energy credits to generators of renewable energy, track their sale, exchange and retirement and to enforce the requirements of this section. To the extent possible, in establishing such program, the Secretary shall rely upon existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

"(2) An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The applicant must demonstrate that the electric energy will be transmitted onto the grid or, in the case of a generation offset, that the electric energy offset would have otherwise been consumed on site. The application shall indicate—

"(A) the type of renewable energy resource used to produce the electricity;

"(B) the location where the electric energy was produced; and

"(C) any other information the Secretary determines appropriate.

"(3)(A) Except as provided in subparagraphs (B), (C), and (D), the Secretary shall issue to a generator of electric energy one Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

"(B) For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based, on the increase in average annual generation resulting from the efficiency improvements or capacity additions. The incremental generation shall be calculated using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission. The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not

directly associated with the efficiency improvements or capacity additions.

"(C) The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in that calendar year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on such land.

"(D) For electric energy generated by a renewable energy resource at an on-site eligible facility and used to offset part or all of the customer's requirements for electric energy, the Secretary shall issue 3 renewable energy credits to such customer for each kilowatt hour generated.

"(E) If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

"(F) When a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility, and the contract has not determined ownership of the Federal renewable energy credits associated with such generation, the Secretary shall issue such Federal renewable energy credits to the retail electric supplier for the duration of the contract.

"(G) Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued for the purpose of subsection (b)(2) based on the amount of electric energy generation from renewable resources and electricity savings that results from those payments.

"(f) EXISTING FACILITIES.—The Secretary shall ensure that a retail electric supplier that acquires Federal renewable energy credits associated with the generation of renewable energy from an existing facility may use such credits for purpose of its compliance with subsection (b)(1). Such credits may not be sold or traded for the purpose of compliance by another retail electric supplier.

"(g) RENEWABLE ENERGY CREDIT TRADING.—A Federal renewable energy credit, may be sold, transferred or exchanged by the entity to whom issued or by any other entity who acquires the Federal renewable energy credit, except for those renewable energy credits from existing facilities. A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

"(h) RENEWABLE ENERGY CREDIT BORROWING.—At any time before the end of calendar year 2012, a retail electric supplier that has reason to believe it will not be able to fully comply with subsection (b) may—

"(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to

meet the requirements of subsection (b) for calendar year 2012 and the subsequent calendar years involved; and

"(2) upon the approval of the plan by the Secretary, apply Federal renewable energy credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

The retail electric supplier must repay all of the borrowed Federal renewable energy credits by submitting an equivalent number of Federal renewable energy credits, in addition to those otherwise required under subsection (b), by calendar year 2020 or any earlier deadlines specified in the approved plan. Failure to repay the borrowed Federal renewable energy credits shall subject the retail electric supplier to civil penalties under subsection (i) for violation of the requirements of subsection (b) for each calendar year involved.

"(i) ENERGY EFFICIENCY CREDITS.—

"(1) DEFINTIONS.—In this subsection—

"(A) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity at a facility of an end-use consumer of electricity served by a retail electric supplier, as compared to——

"(i) consumption at the facility during a base year;

"(ii) in the case of new equipment (regardless of whether the new equipment replaces existing equipment at the end of the useful life of the existing equipment), consumption by the new equipment of average efficiency; or

"(iii) in the case of a new facility, consumption at a reference facility.

"(B) ELECTRICITY SAVINGS.—The term 'electricity savings' means——

"(i) customer facility savings of electricity consumption adjusted to reflect any associated increase in fuel consumption at the facility;

"(ii) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses attributable to new or replacement distribution system equipment of average efficiency (as defined by the Secretary by regulation);

"(iii) the output of new combined heat and power systems, to the extent provided under paragraph (5); and

"(iv) recycled energy savings.

"(C) QUALIFYING ELECTRICTY SAVINGS.—The term 'qualifying electricity savings' means electricity saving that meet the measurement and verification requirements of paragraph (4).

"(D) RECYCLED ENERGY SAVINGS.—The term 'recycled energy savings' means a reduction in electricity consumption that is attributable to electrical or mechanical power, or both, produced by modifying an industrial or commercial system that was in operation before July 1, 2007, in order to recapture energy that would otherwise be wasted.

"(2) PETITION.—The Governor of a State may petition the Secretary to allow up to 25 percent of the requirements of a

retail electric supplier under subsection (c) in the State to be met by submitting Federal energy efficiency credits issued pursuant to this subsection.

"(3) ISSUANCE OF CREDITS.—

"(A) The Secretary shall issue energy efficiency credits in States described in paragraph (2) in accordance with this subsection.

"(B) In accordance with regulations promulgated by the Secretary, the Secretary shall issue credits for——

"(i) qualified electricity savings achieved by a retail electric supplier in a calendar year; and

"(ii) qualified electricity savings achieved by other entities (including State agencies) if ——

"(I) the measures used to achieve the qualifying electricity savings were installed or place in operation by the entity seeking the credit or the designated agent of the entity; and

"(II) no retail electric supplier paid a substantial portion of the cost of achieving the qualified electricity savings (unless the utility has waived any entitlement to the credit).

"(4) MEASUREMENT AND VERIFICATION OFELECTRICTY SAVINGS.—Not later than June 30, 2009, the Secretary shall promulgate regulations regarding the measurement and verification of electricity savings under this subsection, including regulations covering——

"(A) procedures and standards for defining and measuring electricity savings that will be eligible to receive credits under paragraph (3), which shall——

"(i) specify the types of energy efficiency and energy conservation that will be eligible for the credits;

"(ii) require that energy consumption for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

"(iii) account for the useful life of electricity savings measures;

"(iv) include specified electricity savings values for specific, commonly-used efficiency measures;

"(v) specify the extent to which electricity savings attributable to measures carried out before the date of enactment of this section are eligible to receive credits under this subsection; and

"(vi) exclude electricity savings that (I) are not properly attributable to measures carried out by the entity seeking the credit; or (II) have already been credited under this section to another entity;

"(B) procedures and standards for third-party verification of reported electricity savings; and

"(C) such requirements for information, reports, and access to facilities as may be necessary to carry out this subsection.

"(5) COMBINED HEAT AND POWER.—Under regulations promulgated by the Secretary, the increment of electricity output

of a new combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs), shall be considered electricity savings under this subsection.

"(6) STATE DELEGATION.—On application of the Governor of a State, the Secretary may delegate to the State the administration of this subsection in the State if the Secretary determines that the State is willing and able to carry out the functions described in this subsection."

"(j) ENFORCEMENT.—A retail electric supplier that does not comply with subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of kilowatt-hours represented by the retail electric supplier's failure to comply with subsection (b), multiplied by the lesser of 4.5 cents (adjusted for inflation for such calendar year, based on the Gross Domestic Product Implicit Price Deflator) or 300 percent of the average market value of Federal renewable energy credits and energy efficiency credits for the compliance period. Any such penalty shall be due and payable without demand to the Secretary as provided in the regulations issued under subsection (e).

"(k) ALTERNATIVE COMPLIANCE PAYMENTS.—The Secretary shall accept payment equal to 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period or 3.0 cents per kilowatt hour adjusted on January 1 of each year following calendar year 2006 based on the Gross Domestic Product Implicit Price Deflator, as a means of compliance under subsection (b)(4).

"(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual renewable energy generation of any retail electric supplier, Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1) and Federal energy efficiency credits;

"(2) annual electricity savings achieved pursuant to subsection (i);

"(3) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

"(4) the quantity of electricity sales of all retail electric suppliers.

"(m) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

"(n) STATE PROGRAMS.—(1) Nothing in this section diminishes any authority of a State or political subdivision of a State to—

"(A) adopt or enforce any law or regulation respecting renewable energy or energy efficiency, including but not limited to programs that exceed the required amount of renewable energy or energy efficiency under this section, or

"(B) regulate the acquisition and disposition of Federal renewable energy credits and Federal energy efficiency credits by electric suppliers.

No law or regulation referred to in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this sec-

tion. The Secretary, in consultation with States having renewable energy programs and energy efficiency programs, shall preserve the integrity of such State programs, including programs that exceed the required amount of renewable energy and energy efficiency under this section, and shall facilitate coordination between the Federal program and State programs.

"(2) In the rule establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy and energy efficiency programs, including State programs, to ensure administrative ease, market transparency and effective enforcement. The Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

"(o) RECOVERY OF COSTS.—An electric utility whose sales of electric energy are subject to rate regulation, including any utility whose rates are regulated by the Commission and any State regulated electric utility, shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy and energy efficiency obtained to comply with the requirements of subsection (b). For purposes of this subsection, the definitions in section 3 of this Act shall apply to the terms electric utility, State regulated electric utility, State agency, Commission, and State regulatory authority.

"(p) PROGRAM REVIEW.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a comprehensive evaluation of all aspects of the program established under this section, within 8 years of enactment of this section. The study shall include an evaluation of—

"(1) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy and energy efficiency technologies;

"(2) the opportunities for any additional technologies and sources of renewable energy and energy efficiency emerging since enactment of this section;

"(3) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

"(4) the regional resource development relative to renewable potential and reasons for any under investment in renewable resources; and

"(5) the net cost/benefit of the renewable portfolio standard to the national and State economies, including retail power costs, economic development benefits of investment, avoided costs related to environmental and congestion mitigation investments that would otherwise have been required, impact on natural gas demand and price, effectiveness of green marketing programs at reducing the cost of renewable resources.

The Secretary shall transmit the results of the evaluation and any recommendations for modifications and improvements to the program to Congress not later than January 1, 2016.

"(q) STATE RENEWABLE ENERGY AND ENERGY EFFICIENCY ACCOUNT PROGRAM.—(1) The Secretary shall establish, not later than December 31, 2009, a State renewable energy account program.

"(2) All money collected by the Secretary from the alternative compliance payments under subsection (k) shall be deposited into

the State renewable energy and energy efficiency account established pursuant to this subsection.

"(3) Proceeds deposited in the State renewable energy and energy efficiency account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants to the State agency responsible for administering a fund to promote renewable energy generation and energy efficiency for customers of the state, or an alternative agency designated by the state, or if no such agency exists, to the state agency developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production and providing energy assistance and weatherization services to low-income consumers.

"(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. At least 75 percent of the funds provided to each State shall be used for promoting renewable energy production and energy efficiency through grants, production incentives or other state-approved funding mechanisms. The funds shall be allocated to the States on the basis of retail electric sales subject to the Renewable Portfolio Standard under this section or through voluntary participation. State agencies receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.".

(b) TABLE OF CONTENTS.—The table of contents for such title is amended by adding the following new item at the end:

"Sec. 610. Federal renewable portfolio standard".

(c) SUNSET.—Section 610 of such title and the item relating to such section 610 in the table of contents for such title are each repealed as of December 31, 2039.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VAN HOLLEN OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 9117(a), in the amendment adding paragraph (18) to section 111(d) of the Public Utility Regulatory Policies Act of 1978, in paragraph (18)(B), strike "and" in clause (iv), strike the period at the end of clause (v) and insert "; and" and after clause (v) insert:

> "(vi) offering home energy audits, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make home energy efficiency improvements more affordable.".

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWARTZ OF PENNSYLVANIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In part 4 of subtitle A of title IX, add at the end the following new section:

SEC. 9053. GREEN MEETINGS.

(a) PURCHASE OF MEETING AND CONFERENCE SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall ensure that the Federal Acquisition Regulation is revised to require each Federal agency to consider, in each purchase of meeting and conference services, the environmentally preferable features and practices of a vendor in a manner substantially similar to that required of the Environmental Protection Agency in section 1523.703–1 (relating to acquisition of environmentally preferable meeting and conference services) and section 1552.223–71 (relating to EPA Green Meetings and Conferences) of title 48, Code of Federal Regulations, as set forth in the Environmental Protection Agency final rule published on pages 18401 through 18404 of volume 72, Federal Register (April 12, 2007).

(b) DEFINITIONS.—In this section—

(1) the terms "environmentally preferable" and "Federal agency" have the meanings given them by section 2.101 of the Federal Acquisition Regulation; and

(2) the term "meeting and conference services" means the use of off-site commercial facilities for a Federal agency event, including an event for a meeting, conference, training session, or other purpose.

Amend the table of contents accordingly.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ARCURI OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, insert the following at the end of part 1 of subtitle B and make the necessary conforming amendments in the table of contents:

SEC. 9119. EMINENT DOMAIN AUTHORITY.

Section 216 of the Federal Power Act (as added by section 1221 of the Energy Policy Act of 2005) is amended by repealing subsections (f) and by amending subsection (e) to read as follows:

"(e) ACQUISITION OF RIGHTS-OF-WAY.—In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facilities, the permit holder may acquire the right-of-way in accordance with State law for the State in which the property is located.".

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HODES OF NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In part 3 of subtitle A of title IX, add at the end the following new section:

SEC. 9035. RENEWABLE ENERGY REBATE PROGRAM STUDY.

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall conduct, and transmit to Congress a

report on, a study regarding the rebate program described in section 206(c) of the Energy Policy Act of 2005. The study shall—

(1) develop a plan for how such a rebate program would be carried out if it were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goal of encouraging consumers to install renewable energy systems in their homes or small businesses.

Amend the table of contents accordingly.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIM MURPHY OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 9502(a), insert "improvements in data on solid byproducts from coal-based energy-producing facilities," after "oil and gas data,".

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHRISTOPHER MURPHY OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, insert the following at the end of part 1 of subtitle B and make the necessary conforming amendments in the table of contents:

SEC. 9119. PUBLIC MEETINGS FOR CERTAIN FERC ACTIONS.

(a) IN GENERAL.—Before issuing a permit, license, or other authorization under part I of the Federal Power Act for any action that may affect land use in any locality, the Federal Energy Regulatory Commission shall hold a public meeting in that locality regarding such permit, license or other authorization if such a meeting is requested by 5 or more individuals or an organization representing 30 or more individuals. The meeting shall be held before the end of any period for public comment under Commission rules. Not more than one public meeting need be held with respect to a single permit, license or other authorization.

(b) MULTIPLE AREAS.—In the case of a facility that affects multiple areas, the meeting shall be held in a statistical metropolitan area at a location reasonably central to the affected areas.

(c) MOTIONS TO RECONSIDER.—The Commission shall hold such a meeting whenever a request for reconsideration is granted if the request was filed before the enactment of this section and the Commission did not hold a hearing prior to issuing the permit, license, or other authorization concerned.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SALI OF IDAHO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, add at the end the following new subtitle:

Subtitle G—Large and Small Scale Hydropower

SEC. 9601. SENSE OF CONGRESS.

Congress recognizes and supports renewable energy. Specifically, the clean, consistent, pollution free large and small scale conventional hydropower energy.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELCH OF VERMONT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In part IV of subtitle A of title IX, add at the end the following new section:

SEC. 9077. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary shall award not more than 100 grants per year to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

"(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

"(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

"(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

"(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

"(1) IN GENERAL.—The Secretary shall award not more than 250 grants per year to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

"(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

"(A) involve—

"(i) an innovative technology that is not yet commercially available; or

"(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

"(B) have the greatest potential for testing or demonstrating new technologies or processes; and

"(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

"(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

"(d) AWARDING OF GRANTS.—

"(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

"(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

"(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less than 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

"(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

"(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

"(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

Amend the table of contents accordingly.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title VII, at the end of subtitle F add the following:

SEC. ___. REPORT ON STATUS OF REGULATIONS WITH RESPECT TO WIND ENERGY PROJECTS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Minerals Management Service, shall submit a report to Congress on the status of regulations required to be issued under section 8(p)(8)) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(8)) with re-

spect to the production of wind energy on the Outer Continental Shelf.

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WU OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In subtitle E of title IV, add at the end the following new section:

SEC. 4417. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant program, in a geographically diverse manner, for projects submitted for consideration by institutions of higher education to conduct research and development of renewable energy technologies. Each grant made shall not exceed $2,000,000.

(b) ELIGIBILITY.—Priority shall be given to institutions of higher education with—

(1) established programs of research in renewable energy;

(2) locations that are low income or outside of an urbanized area;

(3) a joint venture with an Indian tribe; and

(4) proximity to trees dying of disease or insect infestation as a source of woody biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out this section.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning as defined in section 126(c) of the Energy Policy Act of 2005.

(2) INSTITUTIONS OF HIGHER EDUCATION.—The term "institutions of higher education" has the meaning as defined in section 102(a) of the Higher Education Act of 1965.

(3) RENEWABLE ENERGY.—The term "renewable energy" has the meaning as defined in section 902 of the Energy Policy Act of 2005.

(4) URBANIZED AREA.—The term "urbanized area" has the mean as defined by the U.S. Bureau of the Census.

Amend the table of contents accordingly.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GIFFORDS OF ARIZONA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In subtitle D of title IV, before section 4301, insert the following:

PART 1—RESEARCH AND ADVANCEMENT

In section 4302, strike "subtitle" and insert "part".

At the end of subtitle D of title IV, add the following new part:

PART 2—DEVELOPMENT AND USE OF SOLAR ENERGY PRODUCTS

SEC. 4311. DEFINITIONS.

For purposes of this part:

(1) The term "Board" means the Solar Energy Industries Research and Promotion Board established under section 4312(b)(1).

(2) The term "Committee" means the Solar Energy Research and Promotion Operating Committee established under section 4312(b)(4).

(3) The term "Department" means the Department of Energy.

(4) The term "importer" means any person who imports solar energy products from outside the United States.

(5) The term "order" means a solar energy product research and promotion order issued under section 4312.

(6) The term "promotion" means any action to advance the image and desirability of solar energy products with the express intent of improving the competitive position and stimulating sales of solar energy products in the marketplace.

(7) The term "Secretary" means the Secretary of Energy.

(8) The term "solar energy products" means solar water heating components and systems and photovoltaic components and systems.

SEC. 4312. SOLAR RESEARCH AND INFORMATION PROGRAM.

(a) ISSUANCE OF ORDERS.—

(1) PROPOSED ORDER.—Not later than 30 days after receipt of a proposal for a solar energy product research and promotion order, the Secretary shall publish such proposed order and give due notice and opportunity for public comment on such proposed order. Such proposal may be submitted by any organization meeting the requirements for certification under section 4313 or any interested person, including the Secretary.

(2) FINAL ORDER.—After notice and opportunity for public comment are given, as provided for in paragraph (1), the Secretary shall issue a solar energy product research and promotion order. The order shall become effective not later than 120 days after publication of the proposed order.

(b) REQUIRED TERMS IN ORDERS.—An order issued under subsection (a) shall contain the following terms and conditions:

(1) The order shall provide for the establishment and selection of a Solar Energy Industries Research and Promotion Board. In addition to nonpermanent members of the Board, there shall be two permanent members of the Board, a representative chosen by the Secretary and a representative chosen by one of the organizations certified under section 4313. Nonpermanent members of the Board shall be solar energy products producers and importers appointed by the Secretary from—

(A) nominations submitted by eligible organizations certified under section 4313; and

(B) nominations submitted by importers under such procedures as the Secretary determines appropriate.

The Secretary shall ensure adequate representation of all geographic regions of the United States on the Board.

(2) The order shall define the powers and duties of the Board, which shall be exercised at an annual meeting, and shall include only the following powers:

(A) To administer the order in accordance with its terms and provisions.

(B) To make rules and regulations to effectuate the terms and provisions of the order.

(C) To elect members of the Board to serve on the Committee.

(D) To approve or disapprove budgets submitted by the Committee.

(E) To receive, investigate, and report to the Secretary complaints of violations of the order.

(F) To recommend to the Secretary amendments to the order. In addition, the order shall determine the circumstances under which special meetings of the Board may be held.

(3) The order shall provide that the term of appointment for nonpermanent members of the Board shall be 3 years with no nonpermanent member serving more than 2 consecutive terms, except that initial appointments shall be proportionately for 1-year, 2-year, and 3-year terms; and that Board members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Board.

(4)(A) The order shall provide that the Board shall elect from its membership 10 members to serve on the Solar Energy Research and Promotion Operating Committee.

(B) The Committee shall develop plans or projects of research, information, and promotion which shall be paid for with assessments collected by the Board. In developing plans or projects, the Committee shall, to the extent practicable, ensure that all segments of the solar industry receive fair treatment under this part based upon contributions made under paragraph (8).

(C) The Committee shall be responsible for developing and submitting to the Board, for its approval, budgets on a fiscal year basis of its anticipated expenses and disbursements, including probable costs of research, promotion, and information projects. The Board shall approve or disapprove such budgets and, if approved, shall submit such budget to the Secretary for the Secretary's approval.

(D) The total costs of collection of assessments and administrative staff incurred by the Board during any fiscal year shall not exceed 5 percent of the projected total assessments to be collected by the Board for such fiscal year. The Board shall use, to the extent possible, the resources, staffs, and facilities of existing organizations.

(5) The order shall provide that terms of appointment to the Committee shall be 1 year, and that no person may serve on the Committee for more than 6 consecutive terms. Committee members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Committee. The Committee may utilize the resources, staffs, and facilities of the Board and industry organizations. An employee of an industry organization may not receive compensation for work performed for the Committee, but shall be reimbursed from assessments collected

by the Board for reasonable expenses incurred in performing such work.

(6) The order shall provide that, to ensure coordination and efficient use of funds, the Committee shall enter into contracts or agreements for implementing and carrying out the activities authorized by this part with established national nonprofit industry-governed organizations to implement programs of research, promotion, and information. In any fiscal year, the total assessments available for spending for this program (including administrative expenses under paragraph (4)(D)) shall not exceed 50 percent of the projected total assessments for that year. Any such contract or agreement shall provide that—

(A) the person entering the contract or agreement shall develop and submit to the Committee a plan or project together with a budget or budgets that shows estimated costs to be incurred for the plan or project;

(B) the plan or project shall become effective on the approval of the Secretary; and

(C) the person entering the contract or agreement shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Committee of activities conducted, and such other reports as the Secretary, the Board, or the Committee may require.

(7) The order shall require the Board and the Committee to—

(A) maintain such books and records, which shall be available to the Secretary for inspection and audit, as the Secretary may prescribe;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to them.

(8)(A) The order shall provide that each manufacturer of a solar energy product shall collect an assessment and pay the assessment to the Board.

(B) The order also shall provide that each importer of solar energy products shall pay an assessment, in the manner prescribed by the order, to the Board.

(C) The assessments shall be used for payment of the costs of plans and projects, as provided for in paragraph (4), and expenses in administering the order, including more administrative costs incurred by the Secretary after the order has been promulgated under this part, and to establish a reasonable reserve. The rate of assessment prescribed by the order shall be determined by the Secretary in consultation with the Solar Energy Industry Association.

(9) The order shall provide that the Board, with the approval of the Secretary, may invest, pending disbursement, funds collected through assessments only in obligations of the United States or any agency thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(10) The order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing governmental action or policy, with the exception of recommending amendments to the order.

(11)(A) The order shall require that each manufacturer or importer making payment to the Board maintain and make available for inspection such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order. Such information shall be made available to the Secretary as is appropriate to the administration or enforcement of this part. All information so obtained shall be kept confidential by all officers and employees of the Department, and only such information so obtained as the Secretary deems relevant may be disclosed by them and then only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order. Nothing in this paragraph may be deemed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of entities subject to the order or statistical data collected therefrom, which statements do not identify the information furnished by an person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by the person.

(B) No information obtained under the authority of this part may be made available to any agency or officer of the United States for any purpose other than the implementation of this part and any investigatory or enforcement act necessary for the implementation of this part. Any person violating the provisions of this paragraph shall be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or both, and if an officer or employee of the Board or the Department, shall be removed from office.

(12) The order shall contain terms and conditions, not inconsistent with the provisions of this part, as necessary to effectuate the provisions of the order.

SEC. 4313. CERTIFICATION OF ORGANIZATIONS TO NOMINATE.

(a) ELIGIBILITY.—The eligibility of any national, regional, or State organization to represent manufacturers and to participate in the making of nominations under section 4312(b) shall be certified by the Secretary. The Secretary shall certify any organization that the Secretary determines meets the eligibility criteria established under subsection (b), and such determination as to eligibility shall be final.

(b) CRITERIA.—An organization may be certified as described in subsection (a) if such organization meets all of the following eligibility criteria:

(1) The organization represents a majority of manufacturers of solar energy products in the Nation.

(2) The organization has a history of stability and permanency.

(3) A primary purpose of the organization is to promote the economic welfare of the solar energy products industry.

(c) BASIS FOR CERTIFICATION.—Certification of an organization shall be based upon a factual report submitted by the organization.

SEC. 4314. REFERENDUM.

(a) INITIAL REFERENDUM.—For the purpose of determining whether the initial order shall be continued, not later than 48 months after the issuance of the order (or any earlier date recommended by the Board), the Secretary shall conduct a referendum among persons who have been manufacturers or importers of solar energy products during a representative period, as determined by the Secretary. The order shall be continued only if the Secretary determines that it has been approved by not less than a majority of the manufacturers voting in the referendum who, during a representative period as determined by the Secretary, have been engaged in the manufacturing of solar energy products. If continuation of the order is not approved by a majority voting in the referendum, the Secretary shall terminate the collection of assessments under the order within 6 months after the Secretary determines that continuation of the order is not favored by a majority voting in the referendum, and shall terminate the order in an orderly manner as soon as practicable after such determination.

(b) SUBSEQUENT REFERENDA.—After the initial referendum, the Secretary may conduct a referendum on the request of a representative group comprising 25 percent or more of the number of manufacturers of solar energy products to determine whether manufacturers favor the termination or suspension of the order. The Secretary shall suspend or terminate collection of assessments under the order within 6 months after the Secretary determines that suspension or termination of the order is favored by a majority of the manufacturers voting in the referendum who, during a representative period as determined by the Secretary, have been engaged in the manufacture of solar energy products, and shall terminate or suspend the order in an orderly manner as soon as practicable after such determination.

(c) PROCEDURES.—The Department shall be reimbursed from assessments collected by the Board for any expenses incurred by the Department in connection with conducting any referendum under this section, except for the salaries of Government employees. Any referendum conducted under this section shall be conducted on a date established by the Secretary, whereby manufacturers shall certify that they were engaged in the production of solar energy products during the representative period and, on the same day, shall be provided an opportunity to vote in the referendum.

SEC. 4315. REFUNDS.

(a) IN GENERAL.—During the period prior to the approval of the continuation of an order pursuant to the referendum required under section 4314(a), subject to subsection (f) of this section, the Board shall—

(1) establish an escrow account to be used for assessment refunds;

(2) place funds in such account in accordance with subsection (b); and

(3) refund assessments to persons in accordance with this section.

(b) AMOUNTS PLACED IN ACCOUNT.—Subject to subsection (f), the Board shall place in such account, from assessments collected under section 4312 during the period referred to in subsection (a), an amount equal to the product obtained by multiplying the total amount of assessments collected under section 4312 during such period by 15 percent.

(c) FULL REFUND ELECTION.—Subject to subsections (d), (e), and (f) and notwithstanding any other provision of this part, any manufacturer or importer shall have the right to demand and receive from the Board a one-time refund of all assessments collected under section 4312 from such manufacturer or importer during the period referred to in subsection (a) if such manufacturer or importer—

(1) is responsible for paying such assessment; and

(2) does not support the program established under this part.

(d) PROCEDURE.—Such demand shall be made in accordance with regulations, on a form, and within a time period prescribed by the Board.

(e) PROOF.—Such refund shall be made on submission of proof satisfactory to the Board that the manufacturer or importer—

(1) paid the assessment for which refund is sought; and

(2) did not collect such assessment from another manufacturer or importer.

(f) DISTRIBUTION.—If the amount in the escrow account required to be established by subsection (a) is not sufficient to refund the total amount of assessments demanded by all eligible persons under this section, and the continuation of an order is approved pursuant to the referendum required under section 4314(b), the Board shall—

(1) continue to place in such account, from assessments collected under section 4312, the amount required under subsection (b), until such time as the Board is able to comply with paragraph (2); and

(2) provide to all eligible persons the total amount of assessments demanded by all eligible persons under this section.

If the continuation of an order is not approved pursuant to the referendum required under section 4314(b), the Board shall prorate the amount of such refunds among all eligible persons who demand such refund.

SEC. 4316. ENFORCEMENT.

(a) IN GENERAL.—If the Secretary believes that the administration and enforcement of this part or an order would be adequately served by such procedure, following an opportunity for an administrative hearing on the record, the Secretary may—

(1) issue an order to restrain or prevent a person from violating an order; and

(2) assess a civil penalty of not more than $25,000 for violation of such order.

(b) JURISDICTION.—The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain a person from violating, an order or regulation made or issued under this part.

(c) ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

SEC. 4317. INVESTIGATIONS.

The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this part or to determine whether any person subject to this part has engaged or is about to engage in any act that constitutes or will constitute a violation of this part, the order, or any rule or regulation issued under this part.

SEC. 4318. ADMINISTRATIVE PROVISION.

The provisions of this part applicable to the order shall be applicable to amendments to the order.

Amend the table of contents accordingly.

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAUSCHER OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 436, before line 8, insert the following (and conform the table of contents of the bill accordingly):

SEC. ___. CAPITAL COST OF CONTRACTING VANPOOL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish and implement a pilot program to carry out vanpool demonstration projects in not more than 3 urbanized areas and not more than 2 other than urbanized areas.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Notwithstanding section 5323(i) of title 49, United States Code, for each project selected for participation in the pilot program, the Secretary shall allow the non-Federal share provided by a recipient of assistance for a capital project under chapter 53 of such title to include the amounts described in paragraph (2).

(2) CONDITIONS ON ACQUISITION OF VANS.—The amount expended by a private provider of public transportation by vanpool for the acquisition of vans to be used by such private provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition, if the private provider enters into a legally binding agreement with the recipient that requires the private provider to use all revenues it receives in providing public transportation in such service area, in excess of its operating costs, for the purpose of acquiring vans to be used by the private provider in such service area.

(c) PROGRAM TERM.—The Secretary may approve an application for a vanpool demonstration project for fiscal years 2008 through 2009.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report containing an assessment of the costs, benefits, and efficiencies of the vanpool demonstration projects.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 8101(c)(1) of the bill—

(1) strike "and" before "to alleviate"; and

(2) insert before the period at the end ", and to examine the potential fuel savings from intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays, including web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems".

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title II of the bill, insert the following:

SEC. 2104. REPORT ON PROGRESS MADE IN PROMOTING TRANSPARENCY IN EXTRACTIVE INDUSTRIES RESOURCE PAYMENTS.

(a) PURPOSE.—The purpose of this section is to—

(1) ensure greater United States energy security by combating corruption in the governments of foreign countries that receive revenues from the sale of their natural resources, and

(2) enhance the development of democracy and increase political and economic stability in such resource-rich foreign countries.

(b) FINDINGS.—Congress makes the following findings:

(1) The United States is the world's largest consumer of oil. The United States accounts for 25 percent of global daily oil demand—despite having less than 3 percent of the world's proven reserves.

(2) 6 of the top 10 suppliers of United States crude oil imports rank in the bottom third of the world's most corrupt countries, according to Transparency International.

(3) Corrupt and non-transparent foreign governments have a much higher risk of instability and violent unrest, often leading to disruptions of energy supplies. In addition, the citizens of such countries often remain impoverished despite significant resource wealth.

(4) Oil is a fungible commodity. Therefore supply disruptions due to political instability in other parts of the world affect United States domestic price and supply regardless of the source of supply.

(5) Transparency in extractive revenue transactions is important to decreasing corruption and increasing energy security.

(6) The Extractive Industries Transparency Initiative (EITI) serves to improve investment climates through the audited disclosure of revenue payments.

(c) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to increase energy security by decreasing energy reliance on corrupt foreign governments;

(2) to promote global energy security through promotion of programs such as EITI that seek to instill transparency and accountability into extractive industries resource payments.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the United States should further global energy security and promote democratic development in resource-rich foreign countries by—

(1) encouraging further participation in the Extractive Industries Transparency Initiative (EITI) by eligible countries and companies;

(2) promoting the efficacy of the EITI program by ensuring a robust and candid review mechanism;

(3) establishing a domestic reporting requirement for all companies that purchase natural resources from or make payments to government officials or entities connected with the extraction of such resources so that citizens can monitor expenditures by government officials to ensure accountability for illicit diversion and wasteful use of revenues received; and

(4) seeking to establish an international reporting requirement similar to the reporting requirement described in paragraph (3) in order to ensure that all international companies and foreign countries are competing and cooperating on a level playing field.

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on progress made in promoting transparency in extractive industries resource payments.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include a detailed description of United States participation in the Extractive Industries Transparency Initiative (EITI), bilateral and multilateral diplomatic efforts to further participation in the EITI, and other United States initiatives to strengthen energy security, deter energy kleptocracy, and promote transparency in the extractive industries.

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOLIS OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title II of the bill, insert the following:

SEC. 2209. REPORT ON IMPACT OF GLOBAL CLIMATE CHANGE ON DEVELOPING COUNTRIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on the impact of global climate change on developing countries.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) an assessment of the current and anticipated needs of developing countries in adapting to the impact of global climate change; and

(2) a strategy to address the current and anticipated needs of developing countries in adapting to the impact of global climate change, including the provision of United States assist-

ance to developing countries, and an identification of existing funding sources and a description of new funding sources that will be required specifically for such purposes.

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CLEAVER OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Amend section 303(f)(1) of the Energy Policy Act of 1992, as proposed to be inserted by section 6201 of the bill, to read as follows:

"(1) PROHIBITION.—

"(A) IN GENERAL.—No Federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low greenhouse gas emitting vehicle.

"(B) SPECIAL RULE FOR VEHICLES PROVIDED BY FUNDS CONTAINED IN MEMBERS' REPRESENTATIONAL ALLOWANCE.—If any portion of a Members' Representational Allowance is used to provide any individual with a vehicle described in paragraph (1), including providing an individual with a vehicle under a long-term lease, the House of Representatives shall be considered to have acquired the vehicle for purposes of paragraph (1).

"(C) DEFINITIONS.—In this paragraph—

"(i) the term 'Federal agency' includes any office of the legislative branch; and

"(ii) the term 'Members' Representational Allowance' means the allowance described in section 101(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b(a)).".

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SARBANES OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VI, add the following new subtitle:

Subtitle C—Telework Enhancement

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the "Telework Enhancement Act of 2007".

SEC. 6302. FEDERAL GOVERNMENT TELEWORK REQUIREMENT.

(a) IN GENERAL.—

(1) ELIGIBILITY.—Within 1 year after the date of enactment of this Act, the head of each Executive agency shall establish a policy under which each employee of the agency, except as provided in subsection (b), shall be eligible to participate in telework.

(2) PARTICIPATION POLICY.—The policy shall ensure that eligible employees participate in telework to the maximum extent possible without diminishing employee performance or agency operations.

(b) INELIGIBLE EMPLOYEES.—Subsection (a)(1) does not apply to executive agency employees whose duties require the daily handling of national security or intelligence materials or daily on-site physical presence for activity such as necessary contact with spe-

cial equipment or other activity that cannot be handled remotely or at an alternate worksite.

SEC. 6303. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

(1) telework training is incorporated in the agency's new employee orientation procedures;

(2) telework training is provided to managers and all new teleworkers; and

(3) periodic employee reviews are conducted for all employees to ascertain whether telework is appropriate for the employee's job description and the extent to which it is being utilized by the employee.

SEC. 6304. TELEWORK MANAGING EMPLOYEE.

(a) IN GENERAL.—The head of each executive agency shall appoint a full time senior level employee of the agency as the Telework Managing Officer. The Telework Managing Office shall be established within the office of the chief administrative officer or a comparable office with similar functions.

(b) DUTIES.—The Telework Managing Officer shall—

(1) serve as liaison between employees engaged in teleworking and their employing entity;

(2) ensure that the organization's telework policy is communicated effectively to employees;

(3) encourage all eligible employees to engage in telework to the maximum practicable extent consistent with meeting performance requirements and maintaining operations;

(4) assist the head of the agency in the development and maintenance of agencywide telework policies;

(5) provide assistance and advice in labor-management interactions regarding telework;

(6) educate administrative units on telework policies, programs, and training courses;

(7) provide written notification to each employee of specific telework programs and the employee's eligibility for those programs;

(8) focus on expanding and monitoring agency telework programs;

(9) recommend and oversee telework-specific pilot programs for employees and managers, including tracking performance and monitoring activities;

(10) develop and administer a telework performance reporting system;

(11) promote and monitor agency and other resources necessary for effective teleworking;

(12) develop telework promotion and incentive programs; and

(13) assist the head of the agency in designating employees to telework to continue agency operations in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(c) REPORT.—The Telework Managing Officer shall submit a report to the head of the employing agency and the Comptroller General at least once every 12 months that includes a statement of the applicable telework policy, a description of measures in place to

carry out the policy, and an analysis of the participation by employees of the entity in teleworking during the preceding 12-month period.

SEC. 6305. ANNUAL TELEWORK AGENCY RATING.

(a) IN GENERAL.—The Comptroller General shall establish a system for evaluating—

(1) the telework policy of each executive agency; and

(2) on an annual basis the participation in teleworking by their employees.

(b) REPORT.—The Comptroller General shall publish a report each year rating—

(1) the telework policy of each entity to which this subtitle applies;

(2) the degree of participation by employees of each such entity in teleworking during the 12-month period covered by the report;

(3) for each executive agency—

(A) the number of employees in the agency;

(B) the number of those employees who are eligible to telework;

(C) the number of employees who engage on a regular basis in teleworking; and

(D) the number of employees who engage on an occasional or sporadic basis (at least one day per month) in teleworking; and

(4) for each executive agency, an assessment of agency compliance with this subtitle.

SEC. 6306 DEFINITIONS.

In this subtitle:

(1) EMPLOYEE.—The term "employee" has the meaning given that term by section 8101(1) of title 5, United States Code.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term by section 105 of title 5, United States Code.

(3) TELEWORK.—The term "telework" means a work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee that—

(A) reduces or eliminates the employee's commute between his or her residence and his or her place of employment; and

(B) occurs at least 2 business days per week in at least 48 weeks in a year.

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