

Union Calendar No. 581

110TH CONGRESS
2D SESSION

H. R. 2701

[Report No. 110-904]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2007

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

SEPTEMBER 29, 2008

Additional sponsor: Mr. LOEBSACK

SEPTEMBER 29, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 13, 2007]

A BILL

To strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy effi-

cient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, and for other purposes.

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

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

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

7 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

TITLE I—DEPARTMENT OF TRANSPORTATION

Sec. 101. Center for climate change and environment.

TITLE II—HIGHWAYS AND TRANSIT

Subtitle A—Public Transportation

Sec. 201. Grants to improve public transportation services.

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

Sec. 203. Commuter rail transit enhancement.

Subtitle B—Federal-Aid Highways

Sec. 251. Increased Federal share for CMAQ projects.

Sec. 252. Distribution of rescissions.

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

TITLE III—RAILROAD AND PIPELINE TRANSPORTATION

Subtitle A—Railroads

Sec. 301. Green locomotive grant program.

Sec. 302. Capital grants for railroad track.

Subtitle B—Pipelines

Sec. 311. Feasibility studies.

TITLE IV—MARITIME TRANSPORTATION

Subtitle A—General Provisions

- Sec. 401. Short sea transportation initiative.*
- Sec. 402. Short sea shipping eligibility for capital construction fund.*
- Sec. 403. Report.*
- Sec. 404. Green ports initiative.*

Subtitle B—Maritime Pollution

- Sec. 451. References.*
- Sec. 452. Definitions.*
- Sec. 453. Applicability.*
- Sec. 454. Administration and enforcement.*
- Sec. 455. Certificates.*
- Sec. 456. Reception facilities.*
- Sec. 457. Inspections.*
- Sec. 458. Amendments to the protocol.*
- Sec. 459. Penalties.*
- Sec. 460. Effect on other laws.*

TITLE V—AVIATION

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

TITLE VI—PUBLIC BUILDINGS

Subtitle A—General Services Administration

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

Subtitle B—Coast Guard

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

Subtitle C—Architect of the Capitol

- Sec. 651. Capitol complex photovoltaic roof feasibility study.*
- Sec. 652. Capitol complex E-85 refueling station.*
- Sec. 653. Energy and environmental measures in Capitol complex master plan.*
- Sec. 654. Capitol Power Plant.*

TITLE VII—WATER RESOURCES AND EMERGENCY MANAGEMENT PREPAREDNESS

Subtitle A—Water Resources

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

Subtitle B—Emergency Management

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

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

2 (a) *FINDINGS.*—Congress makes the following findings:

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

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

8 (3) *The Nation’s water resources, ecosystems, and*
9 *infrastructure will be under increasing stress and*
10 *pressure in coming decades, particularly due to cli-*
11 *mate change.*

12 (4) *Greenhouse gases, such as carbon dioxide,*
13 *methane, and nitrous oxides, can lead to atmospheric*
14 *warming and climate change.*

15 (5) *Transportation and buildings are among the*
16 *leading sources of greenhouse gas emissions.*

17 (6) *Increased reliance on energy efficient and re-*
18 *newable energy transportation and public buildings*
19 *can strengthen our Nation’s energy security and miti-*
20 *gate the effects of climate change by cutting green-*
21 *house gas emissions.*

22 (7) *The Federal Government can strengthen our*
23 *Nation’s energy security and mitigate the effects of*

1 *climate change by promoting energy efficient trans-*
 2 *portation and public buildings, creating incentives for*
 3 *the use of alternative fuel vehicles and renewable en-*
 4 *ergy, and ensuring sound water resource and natural*
 5 *disaster preparedness planning.*

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

13 ***TITLE I—DEPARTMENT OF***
 14 ***TRANSPORTATION***

15 ***SEC. 101. CENTER FOR CLIMATE CHANGE AND ENVIRON-***
 16 ***MENT.***

17 (a) *IN GENERAL.—Section 102 of title 49, United*
 18 *States Code, is amended—*

19 (1) *by redesignating subsection (g) as subsection*
 20 (h); *and*

21 (2) *by adding after subsection (f) the following:*

22 “(g) *CENTER FOR CLIMATE CHANGE AND ENVIRON-*
 23 *MENT.—*

1 “(1) *ESTABLISHMENT.*—*There is established in*
 2 *the Department a Center for Climate Change and En-*
 3 *vironment to plan, coordinate, and implement—*

4 “(A) *department-wide research, strategies,*
 5 *and actions to reduce transportation-related en-*
 6 *ergy use and mitigate the effects of climate*
 7 *change; and*

8 “(B) *department-wide research strategies*
 9 *and action to address the impacts of climate*
 10 *change on transportation systems and infra-*
 11 *structure.*

12 “(2) *CLEARINGHOUSE.*—*The Center shall estab-*
 13 *lish a clearinghouse of low-cost solutions to reduce*
 14 *congestion and transportation-related energy use and*
 15 *mitigate the effects of climate change.”.*

16 ***(b) LOW-COST CONGESTION SOLUTIONS.—***

17 ***(1) STUDY.***—*The Center for Climate Change and*
 18 *Environment of the Department of Transportation*
 19 *shall conduct a study to examine fuel efficiency sav-*
 20 *ings and clean air impacts of major transportation*
 21 *projects, to identify low-cost solutions to reduce con-*
 22 *gestion and transportation-related energy use and*
 23 *mitigate the effects of climate change, and to alleviate*
 24 *such problems as railroad pricing that may force*

1 *freight off the more fuel efficient railroads and onto*
 2 *less fuel efficient trucks.*

3 (2) *REPORT.*—*Not later than one year after the*
 4 *date of enactment of this Act, the Secretary of Trans-*
 5 *portation shall transmit to the Committee on Trans-*
 6 *portation and Infrastructure of the House of Rep-*
 7 *resentatives a report on low-cost solutions to reducing*
 8 *congestion and transportation-related energy use and*
 9 *mitigating the effects of climate change.*

10 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 11 *authorized to be appropriated to the Secretary for the Cen-*
 12 *ter to carry out its duties under section 102(g) of title 49,*
 13 *United States Code, such sums as may be necessary for fis-*
 14 *cal years 2008 through 2011.*

15 ***TITLE II—HIGHWAYS AND***
 16 ***TRANSIT***

17 ***Subtitle A—Public Transportation***

18 ***SEC. 201. GRANTS TO IMPROVE PUBLIC TRANSPORTATION***
 19 ***SERVICES.***

20 (a) *AUTHORIZATIONS OF APPROPRIATIONS.*—

21 (1) *URBANIZED AREA FORMULA GRANTS.*—*In*
 22 *addition to amounts allocated under section*
 23 *5338(b)(2)(B) of title 49, United States Code, to carry*
 24 *out section 5307 of such title, there is authorized to*
 25 *be appropriated \$750,000,000 for each of fiscal years*

1 2008 and 2009 to carry out such section 5307. Such
 2 funds shall be apportioned in accordance with section
 3 5336 (other than subsections (i)(1) and (j)) of such
 4 title but may not be combined or commingled with
 5 any other funds apportioned under such section 5336.

6 (2) *FORMULA GRANTS FOR OTHER THAN URBAN-*
 7 *IZED AREAS.*—In addition to amounts allocated
 8 under section 5338(b)(2)(G) of title 49, United States
 9 Code, to carry out section 5311 of such title, there is
 10 authorized to be appropriated \$100,000,000 for each
 11 of fiscal years 2008 and 2009 to carry out such sec-
 12 tion 5311. Such funds shall be apportioned in accord-
 13 ance with such section 5311 but may not be combined
 14 or commingled with any other funds apportioned
 15 under such section 5311.

16 (b) *USE OF FUNDS.*—Notwithstanding sections 5307
 17 and 5311 of title 49, United States Code, the Secretary of
 18 Transportation may make grants under such sections from
 19 amounts appropriated under subsection (a) only for one or
 20 more of the following:

21 (1) *If the recipient of the grant is reducing, or*
 22 *certifies to the Secretary that, during the term of the*
 23 *grant, the recipient will reduce one or more fares the*
 24 *recipient charges for public transportation, those op-*
 25 *erating costs of equipment and facilities being used to*

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

17 ***SEC. 202. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT***
18 ***COMPLIANCE.***

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1 *project cost of the equipment or facility attributable to com-*
 2 *pliance with that Act.*

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

4 *(a) AMENDMENT.—Part E of subtitle V of title 49,*
 5 *United States Code, is amended by adding at the end the*
 6 *following:*

7 **“CHAPTER 285—COMMUTER RAIL TRANSIT**
 8 **ENHANCEMENT**

“Sec.

“28501. Definitions.

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

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

“28504. Applicability of other laws.

“28505. Rules and regulations.

9 **“§ 28501. Definitions**

10 *“In this chapter—*

11 *“(1) the term ‘Board’ means the Surface Trans-*
 12 *portation Board;*

13 *“(2) the term ‘capital work’ means maintenance,*
 14 *restoration, reconstruction, capacity enhancement, or*
 15 *rehabilitation work on trackage that would be treated,*
 16 *in accordance with generally accepted accounting*
 17 *principles, as a capital item rather than an expense;*

18 *“(3) the term ‘fixed guideway transportation’*
 19 *means public transportation (as defined in section*
 20 *5302(a)(10)) provided on, by, or using a fixed guide-*
 21 *way (as defined in section 5302(a)(4));*

1 “(4) the term ‘public transportation authority’
2 means a local governmental authority (as defined in
3 section 5302(a)(6)) established to provide, or make a
4 contract providing for, fixed guideway transportation;

5 “(5) the term ‘rail carrier’ means a person, other
6 than a governmental authority, providing common
7 carrier railroad transportation for compensation sub-
8 ject to the jurisdiction of the Board under chapter
9 105;

10 “(6) the term ‘segregated fixed guideway facility’
11 means a fixed guideway facility constructed within
12 the railroad right-of-way of a rail carrier but phys-
13 ically separate from trackage, including relocated
14 trackage, within the right-of-way used by a rail car-
15 rier for freight transportation purposes; and

16 “(7) the term ‘trackage’ means a railroad line of
17 a rail carrier, including a spur, industrial, team,
18 switching, side, yard, or station track, and a facility
19 of a rail carrier.

20 **“§ 28502. Surface Transportation Board mediation of**
21 **trackage use requests**

22 “If, after a reasonable period of negotiation, a public
23 transportation authority cannot reach agreement with a
24 rail carrier to use trackage of, and have related services pro-
25 vided by, the rail carrier for purposes of fixed guideway

1 *transportation, the public transportation authority or the*
 2 *rail carrier may apply to the Board for nonbinding medi-*
 3 *ation. The Board shall conduct the nonbinding mediation*
 4 *in accordance with the mediation process of section 1109.4*
 5 *of title 49, Code of Federal Regulations, as in effect on the*
 6 *date of enactment of this section.*

7 **“§28503. Surface Transportation Board mediation of**
 8 ***rights-of-way use requests***

9 *“If, after a reasonable period of negotiation, a public*
 10 *transportation authority cannot reach agreement with a*
 11 *rail carrier to acquire an interest in a railroad right-of-*
 12 *way for the construction and operation of a segregated fixed*
 13 *guideway facility, the public transportation authority or*
 14 *the rail carrier may apply to the Board for nonbinding*
 15 *mediation. The Board shall conduct the nonbinding medi-*
 16 *ation in accordance with the mediation process of section*
 17 *1109.4 of title 49, Code of Federal Regulations, as in effect*
 18 *on the date of enactment of this section.*

19 **“§28504. Applicability of other laws**

20 *“Nothing in this chapter shall be construed to limit*
 21 *a rail transportation provider’s right under section*
 22 *28103(b) to enter into contracts that allocate financial re-*
 23 *sponsibility for claims.*

1 **“§ 28505. Rules and regulations**

2 *“Not later than 180 days after the date of enactment*
 3 *of this section, the Board shall issue such rules and regula-*
 4 *tions as may be necessary to carry out this chapter.”.*

5 **(b) CLERICAL AMENDMENT.**—*The table of chapters of*
 6 *such subtitle is amended by adding after the item relating*
 7 *to chapter 283 the following:*

“285. COMMUTER RAIL TRANSIT ENHANCEMENT 28501”.

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

9 ***SEC. 251. INCREASED FEDERAL SHARE FOR CMAQ***
 10 ***PROJECTS.***

11 *Section 120(c) of title 23, United States Code, is*
 12 *amended—*

13 *(1) in the subsection heading by striking “FOR*
 14 *CERTAIN SAFETY PROJECTS”;*

15 *(2) by striking “The Federal share” and insert-*
 16 *ing the following:*

17 *“(1) CERTAIN SAFETY PROJECTS.—The Federal*
 18 *share”; and*

19 *(3) by adding at the end the following:*

20 *“(2) CMAQ PROJECTS.—The Federal share pay-*
 21 *able on account of a project or program carried out*
 22 *under section 149 with funds obligated in fiscal year*
 23 *2008 or 2009, or both, shall be 100 percent of the cost*
 24 *thereof.”.*

1 **SEC. 252. DISTRIBUTION OF RESCISSIONS.**

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

15 (b) *TREATMENT OF TRANSPORTATION ENHANCEMENT*
 16 *SET-ASIDE AND FUNDS SUBALLOCATED TO SUBSTATE*
 17 *AREAS.*—Funds set aside under sections 133(d)(2) and
 18 133(d)(3) of title 23, United States Code, shall be treated
 19 as being apportioned under chapter 1 of such title for pur-
 20 poses of subsection (a).

21 **SEC. 253. SENSE OF CONGRESS REGARDING USE OF COM-**
 22 **plete Streets Design Techniques.**

23 *It is the sense of Congress that in constructing new*
 24 *roadways or rehabilitating existing facilities, State and*
 25 *local governments should employ policies designed to accom-*
 26 *modate all users, including motorists, pedestrians, cyclists,*

1 transit riders, and people of all ages and abilities, in order
2 to—

3 (1) serve all surface transportation users by cre-
4 ating a more interconnected and intermodal system;

5 (2) create more viable transportation options;
6 and

7 (3) facilitate the use of environmentally friendly
8 options, such as public transportation, walking, and
9 bicycling.

10 **TITLE III—RAILROAD AND**
11 **PIPELINE TRANSPORTATION**
12 **Subtitle A—Railroads**

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

14 (a) *IN GENERAL.*—The Secretary of Transportation
15 shall establish a program for making grants to railroad car-
16 riers and State and local governments for assistance in pur-
17 chasing qualified locomotives.

18 (b) *RAILROAD CARRIER DEFINED.*—The term “rail-
19 road carrier” has the meaning that the term has in section
20 20102 of title 49, United States Code.

21 (c) *USE OF FUNDS.*—

22 (1) *GRANTS.*—The Secretary may make a grant
23 to a railroad carrier or a State or local government—

24 (A) to purchase locomotives, including
25 switch locomotives, that exceed the Environ-

1 *mental Protection Agency’s emission standards*
2 *for locomotives and locomotive engines; or*

3 *(B) to recondition locomotives, including*
4 *switch locomotives, to ensure that such loco-*
5 *motives meet or exceed the Environmental Pro-*
6 *tection Agency’s emission standards for loco-*
7 *motives and locomotive engines.*

8 *(2) LIMITATION.—Notwithstanding paragraph*
9 *(1), no grant under this section may be used to fund*
10 *the costs of emission reductions that are mandated*
11 *under Federal, State, or local law.*

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

14 *(1) the identified need for locomotives that exceed*
15 *the Environmental Protection Agency’s emission*
16 *standards for locomotives or locomotive engines in the*
17 *areas served by the applicant;*

18 *(2) the benefits of the emissions reductions of the*
19 *proposed project; and*

20 *(3) the extent to which the applicant dem-*
21 *onstrates innovative strategies and a financial com-*
22 *mitment to increasing energy efficiency and reducing*
23 *greenhouse gas emissions of its railroad operations.*

24 *(e) COMPETITIVE GRANT SELECTION.—The Secretary*
25 *shall conduct a national solicitation for applications for*

1 *grants under this section and shall select grantees on a com-*
 2 *petitive basis.*

3 (f) *FEDERAL SHARE.*—*The Federal share of the costs*
 4 *for a project under this section shall not exceed 90 percent*
 5 *of the project cost.*

6 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 7 *authorized to be appropriated to the Secretary \$50,000,000*
 8 *for each of the fiscal years 2008 through 2011 to carry out*
 9 *this section. Such funds shall remain available until ex-*
 10 *pendent.*

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

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

14 **“CHAPTER 223—CAPITAL GRANTS FOR**
 15 **RAILROAD TRACK**

“Sec.

“22301. *Capital grants for railroad track.*

16 **“§ 22301. Capital grants for railroad track**

17 **“(a) ESTABLISHMENT OF PROGRAM.—**

18 **“(1) ESTABLISHMENT.**—*The Secretary of Trans-*
 19 *portation shall establish a program of capital grants*
 20 *for the rehabilitation, preservation, or improvement of*
 21 *railroad track (including roadbed, bridges, and re-*
 22 *lated track structures) of class II and class III rail-*
 23 *roads. Such grants shall be for rehabilitating, pre-*
 24 *serving, or improving track used primarily for freight*

1 *transportation to a standard ensuring that the track*
2 *can be operated safely and efficiently, including*
3 *grants for rehabilitating, preserving, or improving*
4 *track to handle 286,000 pound railcars. Grants may*
5 *be provided under this chapter—*

6 “(A) *directly to the class II or class III*
7 *railroad; or*

8 “(B) *with the concurrence of the class II or*
9 *class III railroad, to a State or local govern-*
10 *ment.*

11 “(2) *STATE COOPERATION.—Class II and class*
12 *III railroad applicants for a grant under this chapter*
13 *are encouraged to utilize the expertise and assistance*
14 *of State transportation agencies in applying for and*
15 *administering such grants. State transportation agen-*
16 *cies are encouraged to provide such expertise and as-*
17 *sistance to such railroads.*

18 “(3) *INTERIM REGULATIONS.—Not later than*
19 *December 31, 2007, the Secretary shall issue tem-*
20 *porary regulations to implement the program under*
21 *this section. Subchapter II of chapter 5 of title 5 does*
22 *not apply to a temporary regulation issued under this*
23 *paragraph or to an amendment to such a temporary*
24 *regulation.*

1 “(4) *FINAL REGULATIONS.*—Not later than Octo-
2 ber 1, 2008, the Secretary shall issue final regulations
3 to implement the program under this section.

4 “(b) *MAXIMUM FEDERAL SHARE.*—The maximum
5 Federal share for carrying out a project under this section
6 shall be 80 percent of the project cost. The non-Federal share
7 may be provided by any non-Federal source in cash, equip-
8 ment, or supplies. Other in-kind contributions may be ap-
9 proved by the Secretary on a case-by-case basis consistent
10 with this chapter.

11 “(c) *PROJECT ELIGIBILITY.*—For a project to be eligi-
12 ble for assistance under this section the track must have
13 been operated or owned by a class II or class III railroad
14 as of the date of the enactment of this chapter.

15 “(d) *USE OF FUNDS.*—Grants provided under this sec-
16 tion shall be used to implement track capital projects as
17 soon as possible. In no event shall grant funds be contrac-
18 tually obligated for a project later than the end of the third
19 Federal fiscal year following the year in which the grant
20 was awarded. Any funds not so obligated by the end of such
21 fiscal year shall be returned to the Secretary for realloca-
22 tion.

23 “(e) *EMPLOYEE PROTECTION.*—The Secretary shall re-
24 quire as a condition of any grant made under this section
25 that the recipient railroad provide a fair arrangement at

1 *least as protective of the interests of employees who are af-*
 2 *ected by the project to be funded with the grant as the terms*
 3 *imposed under section 11326(a), as in effect on the date*
 4 *of the enactment of this chapter.*

5 “(f) *LABOR STANDARDS.*—

6 “(1) *PREVAILING WAGES.*—*The Secretary shall*
 7 *ensure that laborers and mechanics employed by con-*
 8 *tractors and subcontractors in construction work fi-*
 9 *nanced by a grant made under this section will be*
 10 *paid wages not less than those prevailing on similar*
 11 *construction in the locality, as determined by the Sec-*
 12 *retary of Labor under subchapter IV of chapter 31 of*
 13 *title 40 (commonly known as the ‘Davis-Bacon Act’).*
 14 *The Secretary shall make a grant under this section*
 15 *only after being assured that required labor standards*
 16 *will be maintained on the construction work.*

17 “(2) *WAGE RATES.*—*Wage rates in a collective*
 18 *bargaining agreement negotiated under the Railway*
 19 *Labor Act (45 U.S.C. 151 et seq.) are deemed for pur-*
 20 *poses of this subsection to comply with the subchapter*
 21 *IV of chapter 31 of title 40.*

22 “(g) *STUDY.*—*The Secretary shall conduct a study of*
 23 *the projects carried out with grant assistance under this*
 24 *section to determine the public interest benefits associated*
 25 *with the light density railroad networks in the States and*

1 *their contribution to a multimodal transportation system.*
 2 *Not later than March 31, 2009, the Secretary shall report*
 3 *to Congress any recommendations the Secretary considers*
 4 *appropriate regarding the eligibility of light density rail*
 5 *networks for Federal infrastructure financing.*

6 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 7 *authorized to be appropriated to the Secretary of Transpor-*
 8 *tation \$250,000,000 for each of fiscal years 2008 through*
 9 *2011 for carrying out this section.”.*

10 (b) *CONFORMING AMENDMENT.—The item relating to*
 11 *chapter 223 in the table of chapters of subtitle V of title*
 12 *49, United States Code, is amended to read as follows:*

“223. *CAPITAL GRANTS FOR RAILROAD TRACK* 22301”.

13 ***Subtitle B—Pipelines***

14 ***SEC. 311. FEASIBILITY STUDIES.***

15 (a) *IN GENERAL.—The Secretary of Energy, in coordi-*
 16 *nation with the Secretary of Transportation, shall conduct*
 17 *feasibility studies for the construction of pipelines dedicated*
 18 *to the transportation of ethanol.*

19 (b) *REPORT.—Not later than 1 year after the date of*
 20 *enactment of this Act, the Secretary of Energy shall submit*
 21 *to the Committee on Transportation and Infrastructure of*
 22 *the House of Representatives and the Committee on Com-*
 23 *merce, Science, and Transportation of the Senate a report*
 24 *on such feasibility studies.*

1 (c) *STUDY FACTORS.—Feasibility studies funded*
2 *under this subtitle shall include consideration of—*

3 (1) *existing or potential barriers to the construc-*
4 *tion of pipelines dedicated to the transportation of*
5 *ethanol, including technical, siting, financing, and*
6 *regulatory barriers;*

7 (2) *market risk, including throughput risk;*

8 (3) *regulatory, financing, and siting options that*
9 *would mitigate such risk and help ensure the con-*
10 *struction of pipelines dedicated to the transportation*
11 *of ethanol;*

12 (4) *ensuring the safe transportation of ethanol*
13 *and preventive measures to ensure pipeline integrity;*
14 *and*

15 (5) *such other factors as the Secretary of Energy*
16 *considers appropriate.*

17 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
18 *authorized to be appropriated to the Secretary of Energy*
19 *to carry out this section \$1,000,000 for each of the fiscal*
20 *years 2008 and 2009, to remain available until expended.*

1 ***TITLE IV—MARITIME***
 2 ***TRANSPORTATION***
 3 ***Subtitle A—General Provisions***

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

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

7 ***“CHAPTER 556—SHORT SEA***
 8 ***TRANSPORTATION***

“Sec. 55601. Short sea transportation program.

“Sec. 55602. Cargo and shippers.

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

“Sec. 55604. Interagency coordination.

“Sec. 55605. Research on short sea transportation.

“Sec. 55606. Short sea transportation defined.

9 ***“§ 55601. Short sea transportation program***

10 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
 11 tation shall establish a short sea transportation program
 12 and designate short sea transportation projects to be con-
 13 ducted under the program to mitigate landside congestion.

14 “(b) *PROGRAM ELEMENTS.*—The program shall en-
 15 courage the use of short sea transportation through the de-
 16 velopment and expansion of—

17 “(1) documented vessels;

18 “(2) shipper utilization;

19 “(3) port and landside infrastructure; and

20 “(4) marine transportation strategies by State
 21 and local governments.

1 “(c) *SHORT SEA TRANSPORTATION ROUTES.*—The
 2 Secretary shall designate short sea transportation routes as
 3 extensions of the surface transportation system to focus pub-
 4 lic and private efforts to use the waterways to relieve
 5 landside congestion along coastal corridors. The Secretary
 6 may collect and disseminate data for the designation and
 7 delineation of short sea transportation routes.

8 “(d) *PROJECT DESIGNATION.*—The Secretary may
 9 designate a project to be a short sea transportation project
 10 if the Secretary determines that the project may—

11 “(1) offer a waterborne alternative to available
 12 landside transportation services using documented
 13 vessels; and

14 “(2) provide transportation services for pas-
 15 sengers or freight (or both) that may reduce conges-
 16 tion on landside infrastructure using documented ves-
 17 sels.

18 “(e) *ELEMENTS OF PROGRAM.*—For a short sea trans-
 19 portation project designated under this section, the Sec-
 20 retary of Transportation may—

21 “(1) promote the development of short sea trans-
 22 portation services;

23 “(2) coordinate, with ports, State departments of
 24 transportation, localities, other public agencies, and
 25 the private sector and on the development of landside

1 *facilities and infrastructure to support short sea*
2 *transportation services; and*

3 *“(3) develop performance measures for the short*
4 *sea transportation program.*

5 *“(f) MULTISTATE, STATE AND REGIONAL TRANSPOR-*
6 *TATION PLANNING.—The Secretary, in consultation with*
7 *Federal entities and State and local governments, shall de-*
8 *velop strategies to encourage the use of short sea transpor-*
9 *tation for transportation of passengers and cargo. The Sec-*
10 *retary shall—*

11 *“(1) assess the extent to which States and local*
12 *governments include short sea transportation and*
13 *other marine transportation solutions in their trans-*
14 *portation planning;*

15 *“(2) encourage State departments of transpor-*
16 *tation to develop strategies, where appropriate, to in-*
17 *corporate short sea transportation, ferries, and other*
18 *marine transportation solutions for regional and*
19 *interstate transport of freight and passengers in their*
20 *transportation planning; and*

21 *“(3) encourage groups of States and multi-State*
22 *transportation entities to determine how short sea*
23 *transportation can address congestion, bottlenecks,*
24 *and other interstate transportation challenges.*

1 **“§ 55602. Cargo and shippers**

2 “(a) *MEMORANDUMS OF AGREEMENT.*—*The Secretary*
 3 *of Transportation shall enter into memorandums of under-*
 4 *standing with the heads of other Federal entities to trans-*
 5 *port federally owned or generated cargo using a short sea*
 6 *transportation project designated under section 55601 when*
 7 *practical or available.*

8 “(b) *SHORT-TERM INCENTIVES.*—*The Secretary shall*
 9 *consult shippers and other participants in transportation*
 10 *logistics and develop proposals for short-term incentives to*
 11 *encourage the use of short sea transportation.*

12 **“§ 55603. Financing of short sea transportation**
 13 **projects**

14 “(a) *AUTHORITY TO MAKE LOAN GUARANTEE.*—*The*
 15 *Secretary of Transportation, subject to the availability of*
 16 *appropriations, may make a loan guarantee for the financ-*
 17 *ing of the construction, reconstruction, or reconditioning of*
 18 *a vessel that will be used for a short sea transportation*
 19 *project designated under section 55601.*

20 “(b) *TERMS AND CONDITIONS.*—*In making a loan*
 21 *guarantee under this section, the Secretary shall use the au-*
 22 *thority, terms, and conditions that apply to a loan guar-*
 23 *antee made under chapter 537.*

24 “(c) *GENERAL LIMITATIONS.*—*The total unpaid prin-*
 25 *cipal amount of obligations guaranteed under this chapter*

1 *and outstanding at one time may not exceed*
2 *\$2,000,000,000.*

3 “(d) *FULL FAITH AND CREDIT.—The full faith and*
4 *credit of the United States Government is pledged to the*
5 *payment of a guarantee made under this chapter, for both*
6 *principal and interest, including interest (as may be pro-*
7 *vided for in the guarantee) accruing between the date of*
8 *default under a guaranteed obligation and the date of pay-*
9 *ment in full of the guarantee.*

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

13 **“§ 55604. Interagency coordination**

14 *“The Secretary of Transportation shall establish a*
15 *board to identify and seek solutions to impediments hin-*
16 *dering effective use of short sea transportation. The board*
17 *shall include representatives of other Federal, State, and*
18 *local governmental entities and private sector entities.*

19 **“§ 55605. Research on short sea transportation**

20 *“The Secretary of Transportation may conduct re-*
21 *search on short sea transportation, regarding—*

22 *“(1) the environmental and transportation bene-*
23 *fits to be derived from short sea transportation alter-*
24 *natives for other forms of transportation;*

1 “(2) technology, vessel design, and other im-
 2 provements that would reduce emissions, increase fuel
 3 economy, and lower costs of short sea transportation
 4 and increase the efficiency of intermodal transfers;
 5 and

6 “(3) identify and seek solutions to impediments
 7 to short sea transportation projects designated under
 8 section 55601.

9 **“§ 55606. Short sea transportation defined**

10 *“In this chapter, the term ‘short sea transportation’*
 11 *means the carriage by vessel of cargo—*

12 “(1) that is—

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

15 “(B) loaded on the vessel by means of
 16 wheeled technology; and

17 “(2) that is—

18 “(A) loaded at a port in the United States
 19 and unloaded at another port in the United
 20 States or a port in Canada located in the Great
 21 Lakes Saint Lawrence Seaway System; or

22 “(B) loaded at a port in Canada located in
 23 the Great Lakes Saint Lawrence Seaway System
 24 and unloaded at a port in the United States.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of chapters at*
 2 *the beginning of subtitle V of such title is amended by in-*
 3 *serting after the item relating to chapter 555 the following:*

“556. Short Sea Transportation55601”.

4 (c) *REGULATIONS.*—

5 (1) *INTERIM REGULATIONS.*—*Not later than De-*
 6 *cember 31, 2007, the Secretary of Transportation*
 7 *shall issue temporary regulations to implement the*
 8 *program under this section. Subchapter II of chapter*
 9 *5 of title 5, United States Code, does not apply to a*
 10 *temporary regulation issued under this paragraph or*
 11 *to an amendment to such a temporary regulation.*

12 (2) *FINAL REGULATIONS.*—*Not later than Octo-*
 13 *ber 1, 2008, the Secretary shall issue final regulations*
 14 *to implement the program under this section.*

15 **SEC. 402. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL**
 16 **CONSTRUCTION FUND.**

17 (a) *DEFINITION OF QUALIFIED VESSEL.*—*Section*
 18 *53501 of title 46, United States Code, is amended—*

19 (1) *in paragraph (5)(A)(iii) by striking “or non-*
 20 *contiguous domestic” and inserting “noncontiguous*
 21 *domestic, or short sea transportation trade”; and*

22 (2) *by inserting after paragraph (6) the fol-*
 23 *lowing:*

1 “(7) *SHORT SEA TRANSPORTATION TRADE*.—The
 2 term ‘short sea transportation trade’ means the car-
 3 riage by vessel of cargo—

4 “(A) that is—

5 “(i) contained in intermodal cargo
 6 containers and loaded by crane on the ves-
 7 sel; or

8 “(ii) loaded on the vessel by means of
 9 wheeled technology; and

10 “(B) that is—

11 “(i) loaded at a port in the United
 12 States and unloaded at another port in the
 13 United States or a port in Canada located
 14 in the Great Lakes Saint Lawrence Seaway
 15 System; or

16 “(ii) loaded at a port in Canada lo-
 17 cated in the Great Lakes Saint Lawrence
 18 Seaway System and unloaded at a port in
 19 the United States.”.

20 (b) *ALLOWABLE PURPOSE*.—Section 53503(b) of such
 21 title is amended by striking “or noncontiguous domestic
 22 trade” and inserting “noncontiguous domestic, or short sea
 23 transportation trade”.

1 **SEC. 403. REPORT.**

2 *Not later than one year after the date of enactment*
3 *of this Act, the Secretary of Transportation shall submit*
4 *to the Committee on Transportation and Infrastructure of*
5 *the House of Representatives and the Committee on Com-*
6 *merce, Science, and Transportation of the Senate a report*
7 *on the short sea transportation program established under*
8 *the amendments made by section 401. The report shall in-*
9 *clude a description of the activities conducted under the*
10 *program, and any recommendations for further legislative*
11 *or administrative action that the Secretary considers ap-*
12 *propriate.*

13 **SEC. 404. GREEN PORTS INITIATIVE.**

14 *(a) IN GENERAL.—*

15 *(1) DEVELOPMENT AND IMPLEMENTATION.—The*
16 *Secretary of Transportation shall develop and imple-*
17 *ment a green port initiative to promote the use of*
18 *technologies in United States ports and shipyards to*
19 *reduce air emissions including particulate matter, ni-*
20 *trogen oxides, sulfur oxides, and carbon monoxides.*
21 *The program may include—*

22 *(A) use of electric and low-emission vehicles*
23 *for cargo handling equipment;*

24 *(B) use of electric shore power and low pol-*
25 *lution auxiliary engines for vessels in port;*

1 (C) use of energy efficient lighting and other
2 electrical products in ports;

3 (D) use of best management practices to de-
4 crease emissions;

5 (E) use of technology and best management
6 practices to prevent pollution of the waters in
7 ports; and

8 (F) use of other energy efficient or low emis-
9 sion technologies that the Secretary considers
10 necessary.

11 (2) *GREEN PORT AWARD*.—The Secretary may
12 issue a green port award to a port that meets the
13 standards for that award prescribed by the Secretary
14 for low emissions and pollution by a port.

15 (b) *CLEAN TECHNOLOGY ASSISTANCE*.—

16 (1) *IN GENERAL*.—The Secretary may provide
17 grants and low-cost revolving loans, as determined by
18 the Secretary, on a competitive basis, to ports, ter-
19 minal operators, and shipyards to achieve significant
20 reductions in diesel emissions of particulate matter,
21 nitrogen oxides, and sulfur oxides in United States
22 ports.

23 (2) *PRIORITIZATION*.—The Secretary shall pro-
24 vide grants and loans to the applicants that will use
25 the funds provided to remove the largest amount of

1 *pollutants for each dollar provided in the grant or*
2 *loan.*

3 (3) *APPLICATIONS.—*

4 (A) *IN GENERAL.—To receive a grant or*
5 *loan under this subsection, a port, terminal oper-*
6 *ator, or shipyard shall submit to the Secretary*
7 *an application at a time, in a manner, and in-*
8 *cluding any information that the Secretary may*
9 *require.*

10 (B) *INCLUSIONS.—An application under*
11 *this paragraph shall include—*

12 (i) *a description of the air quality of*
13 *the area served by the port, terminal oper-*
14 *ator, or shipyard;*

15 (ii) *the quantity of air pollution pro-*
16 *duced in the port area served by the port,*
17 *terminal operator, or shipyard;*

18 (iii) *a description of the project pro-*
19 *posed by the port, terminal operator, or*
20 *shipyard, including the means by which the*
21 *project will achieve a significant reduction*
22 *in diesel emissions;*

23 (iv) *an evaluation (using methodology*
24 *approved by the Secretary) of the benefits of*

1 *the emissions reductions of the proposed*
2 *project;*

3 *(v) an estimate of the cost of the pro-*
4 *posed project; and*

5 *(vi) provisions for the monitoring and*
6 *verification of the project.*

7 (4) *USE OF FUNDS.—*

8 (A) *IN GENERAL.—A port, terminal oper-*
9 *ator, or shipyard may use a grant or loan pro-*
10 *vided under this subsection to fund the costs of—*

11 (i) *a technology (including any incre-*
12 *mental costs of a repowered or new diesel*
13 *engine) that significantly reduces emissions*
14 *through development and implementation of*
15 *a certified engine configuration, verified*
16 *technology, or emerging technology for—*

17 (I) *a medium-duty truck or a*
18 *heavy-duty truck;*

19 (II) *a marine engine;*

20 (III) *a nonroad engine or vehicle*
21 *used in applications such as handling*
22 *of cargo; and*

23 (IV) *electric shore power and low*
24 *pollution auxiliary engines for vessels*
25 *in port; and*

1 (ii) an idle-reduction program involv-
2 ing a vehicle or equipment.

3 (B) *REGULATORY PROGRAMS.*—Notwith-
4 standing paragraph (1), no grant or loan pro-
5 vided under this subsection may be used to fund
6 the costs of emissions reductions that are man-
7 dated under Federal, State, or local law.

8 (C) *ENGINES.*—A recipient of a grant or
9 loan under this subsection may only use the
10 funds under the grant or loan for engines that
11 are certified for low emissions and technology
12 that has been verified in a manner prescribed by
13 the Secretary as producing low emissions.

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

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

19 (7) *TECHNICAL REVIEW TEAM.*—The Secretary
20 shall establish a technical review team comprised of
21 members from agencies within the Department of
22 Transportation to review proposals for grants and
23 loans under this subsection. The Secretary shall select
24 agencies to serve as review panel participants based
25 on the Secretary's determination that they possess the

1 *necessary expertise and knowledge to evaluate the pro-*
2 *posals.*

3 (8) *AUTHORIZATION OF APPROPRIATIONS.—*

4 *There is authorized to be appropriated \$25,000,000*
5 *for each of fiscal years 2008 through 2011 to carry*
6 *out this subsection.*

7 (c) *USE OF SETTLEMENT AMOUNTS.—*

8 (1) *IN GENERAL.—The Secretary, acting through*
9 *the Maritime Administrator, shall consult with the*
10 *Attorney General regarding the payment to maritime*
11 *emission reduction foundations authorized by the Ad-*
12 *ministrator of amounts collected by the Government*
13 *as a result of settlements relating to allegations of vio-*
14 *lations of environmental laws related to vessels, ports,*
15 *and port-related services.*

16 (2) *USE OF AMOUNTS.—Such amounts shall be*
17 *used by such a foundation for the development of tech-*
18 *nologies, including best management practices, related*
19 *to compliance with marine emissions reduction, as*
20 *determined appropriate by the Maritime Adminis-*
21 *trator.*

22 (d) *TESTING PROGRAM.—*

23 (1) *IN GENERAL.—The Secretary, acting through*
24 *the Maritime Administrator, may establish a coopera-*
25 *tive partnership with the Administrator of the Envi-*

ronmental Protection Agency, or any other agency the Secretary determines to be appropriate, to test emissions reduction technology on actual vessels.

(2) *TECHNOLOGIES TO BE TESTED.*—The program under this subsection shall be based on emergent and existing technologies that have been verified effective under laboratory conditions.

(3) *MAINTENANCE OF VESSEL USABILITY.*—Any technology tested under this subsection must not permanently alter or render the vessel on which it is tested ineffective for long-term Maritime Administration use.

(4) *ADMINISTRATION PRIORITIES AND NEEDS.*—The Secretary shall designate vessels as platforms for testing under this subsection in accordance with Maritime Administration priorities and needs.

(5) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary \$6,000,000 to administer and implement cooperative partnerships established under paragraph (1).

Subtitle B—Maritime Pollution

SEC. 451. REFERENCES.

Wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered

1 *to be made to a section or other provision of the Act to*
 2 *Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).*

3 **SEC. 452. DEFINITIONS.**

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

5 *(1) by redesignating paragraphs (1) through (12)*
 6 *as paragraphs (2) through (13), respectively;*

7 *(2) by inserting before paragraph (2) (as so re-*
 8 *designated) the following:*

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

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

13 *(4) in paragraph (6) (as so redesignated) by*
 14 *striking “‘discharge’ and ‘garbage’ and ‘harmful sub-*
 15 *stance’ and ‘incident’” and inserting “‘discharge’,*
 16 *‘emission’, ‘garbage’, ‘harmful substance’, and ‘inci-*
 17 *dent’”;* and

18 *(5) by redesignating paragraphs (7) through (13)*
 19 *(as redesignated) as paragraphs (8) through (14), re-*
 20 *spectively, and inserting after paragraph (6) (as re-*
 21 *designated) the following:*

22 *“(7) ‘navigable waters’ includes the territorial*
 23 *sea of the United States (as defined in Presidential*
 24 *Proclamation 5928 of December 27, 1988) and the in-*
 25 *ternal waters of the United States;”.*

1 **SEC. 453. APPLICABILITY.**

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

3 *(1) in subsection (a)—*

4 *(A) by striking “and” at the end of para-*
5 *graph (3);*

6 *(B) by striking the period at the end of*
7 *paragraph (4) and inserting “; and”; and*

8 *(C) by adding at the end the following:*

9 *“(5) with respect to Annex VI to the Convention,*
10 *and other than with respect to a ship referred to in*
11 *paragraph (1)—*

12 *“(A) to a ship that is in a port, shipyard,*
13 *offshore terminal, or the internal waters of the*
14 *United States;*

15 *“(B) to a ship that is bound for, or depart-*
16 *ing from, a port, shipyard, offshore terminal, or*
17 *the internal waters of the United States, and is*
18 *in—*

19 *“(i) the navigable waters of the United*
20 *States;*

21 *“(ii) an emission control area des-*
22 *ignated pursuant to section 4; or*

23 *“(iii) any other area that the Adminis-*
24 *trator, in consultation with the Secretary*
25 *and each State in which any part of the*
26 *area is located, has designated by order as*

1 *being an area from which emissions from*
2 *ships are of concern with respect to protec-*
3 *tion of public health, welfare, or the envi-*
4 *ronment;*

5 *“(C) to a ship that is entitled to fly the flag*
6 *of, or operating under the authority of, a party*
7 *to Annex VI, and is in—*

8 *“(i) the navigable waters of the United*
9 *States;*

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

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

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

22 *“(i) the exclusive economic zone of the*
23 *United States;*

24 *“(ii) the navigable waters of the*
25 *United States;*

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

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

11 (2) in subsection (b)—

12 (A) in paragraph (1) by striking “para-
13 graph (2)” and inserting “paragraphs (2) and
14 (3)”; and

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

16 “(3) With respect to Annex VI the Administrator, or
17 the Secretary, as relevant to their authorities pursuant to
18 this Act, may determine that some or all of the requirements
19 under this Act shall apply to one or more classes of public
20 vessels, except that such a determination by the Adminis-
21 trator shall have no effect unless the head of the Department
22 or agency under which the vessels operate concurs in the
23 determination. This paragraph does not apply during time
24 of war or during a declared national emergency.”;

1 (3) by redesignating subsections (c) through (g)
2 as subsections (d) through (h), respectively;

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

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

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

9 (A) by inserting “or the Administrator, con-
10 sistent with section 4 of this Act,” after “Sec-
11 retary”;

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

14 (C) by striking “Protocol, including regula-
15 tions conforming to and giving effect to the re-
16 quirements of Annex V” and inserting “Protocol
17 (or the applicable Annex), including regulations
18 conforming to and giving effect to the require-
19 ments of Annex V and Annex VI”.

20 **SEC. 454. ADMINISTRATION AND ENFORCEMENT.**

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

22 (1) by redesignating subsections (b) and (c) as
23 subsections (c) and (d), respectively;

24 (2) by inserting after subsection (a) the fol-
25 lowing:

1 “(b) *DUTY OF THE ADMINISTRATOR.*—*In addition to*
2 *other duties specified in this Act, the Administrator and*
3 *the Secretary, respectively, shall have the following duties*
4 *and authorities:*

5 “(1) *The Administrator shall, and no other per-*
6 *son may, issue Engine International Air Pollution*
7 *Prevention certificates in accordance with Annex VI*
8 *and the International Maritime Organization’s Tech-*
9 *nical Code on Control of Emissions of Nitrogen Ox-*
10 *ides from Marine Diesel Engines, on behalf of the*
11 *United States for a vessel of the United States as that*
12 *term is defined in section 116 of title 46, United*
13 *States Code. The issuance of Engine International*
14 *Air Pollution Prevention certificates shall be con-*
15 *sistent with any applicable requirements of the Clean*
16 *Air Act (42 U.S.C. 7401 et seq.) or regulations pre-*
17 *scribed under that Act.*

18 “(2) *The Administrator shall have authority to*
19 *administer regulations 12, 13, 14, 15, 16, 17, 18, and*
20 *19 of Annex VI to the Convention.*

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

24 (3) *in subsection (c), as redesignated—*

1 (A) by redesignating paragraph (2) as
2 paragraph (4);

3 (B) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) In addition to the authority the Secretary has to
6 prescribe regulations under this Act, the Administrator
7 shall also prescribe any necessary or desired regulations to
8 carry out the provisions of regulations 12, 13, 14, 15, 16,
9 17, 18, and 19 of Annex VI to the Convention.

10 “(3) In prescribing any regulations under this section,
11 the Secretary and the Administrator shall consult with each
12 other, and with respect to regulation 19, with the Secretary
13 of the Interior.”; and

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

15 “(5) No standard issued by any person or Federal au-
16 thority, with respect to emissions from tank vessels subject
17 to regulation 15 of Annex VI to the Convention, shall be
18 effective until 6 months after the required notification to
19 the International Maritime Organization by the Sec-
20 retary.”.

21 **SEC. 455. CERTIFICATES.**

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

23 (1) in subsection (a) by striking “The Secretary”
24 and inserting “Except as provided in section 4(b)(1),
25 the Secretary”;

1 (2) in subsection (b) by striking “Secretary
2 under the authority of the MARPOL protocol.” and
3 inserting “Secretary or the Administrator under the
4 authority of this Act.”; and

5 (3) in subsection (e) by striking “environment.”
6 and inserting “environment or the public health and
7 welfare.”.

8 **SEC. 456. RECEPTION FACILITIES.**

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

10 (1) in subsection (a) by adding at the end the
11 following:

12 “(3) The Secretary and the Administrator, after con-
13 sulting with appropriate Federal agencies, shall jointly pre-
14 scribe regulations setting criteria for determining the ade-
15 quacy of reception facilities for receiving ozone depleting
16 substances, equipment containing such substances, and ex-
17 haust gas cleaning residues at a port or terminal, and stat-
18 ing any additional measures and requirements as are ap-
19 propriate to ensure such adequacy. Persons in charge of
20 ports and terminals shall provide reception facilities, or en-
21 sure that reception facilities are available, in accordance
22 with those regulations. The Secretary and the Adminis-
23 trator may jointly prescribe regulations to certify, and may
24 issue certificates to the effect, that a port’s or terminal’s
25 facilities for receiving ozone depleting substances, equip-

1 *ment containing such substances, and exhaust gas cleaning*
 2 *residues from ships are adequate.”;*

3 *(2) in subsection (b) by inserting “or the Admin-*
 4 *istrator” after “Secretary”;*

5 *(3) in subsection (e) by striking paragraph (2)*
 6 *and inserting the following:*

7 *“(2) The Secretary may deny the entry of a ship to*
 8 *a port or terminal required by the MARPOL Protocol, this*
 9 *Act, or regulations prescribed under this section relating to*
 10 *the provision of adequate reception facilities for garbage,*
 11 *ozone depleting substances, equipment containing those sub-*
 12 *stances, or exhaust gas cleaning residues, if the port or ter-*
 13 *минаl is not in compliance with the MARPOL Protocol,*
 14 *this Act, or those regulations.”;*

15 *(4) in subsection (f)(1) by striking “Secretary*
 16 *is” and inserting “Secretary and the Administrator*
 17 *are”;* and

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

19 **SEC. 457. INSPECTIONS.**

20 *Section 8(f) (33 U.S.C. 1907(f)) is amended to read*
 21 *as follows:*

22 *“(f)(1) The Secretary may inspect a ship to which this*
 23 *Act applies as provided under section 3(a)(5), to verify*
 24 *whether the ship is in compliance with Annex VI to the*
 25 *Convention and this Act.*

1 “(2) *If an inspection under this subsection or any*
 2 *other information indicates that a violation has occurred,*
 3 *the Secretary, or the Administrator in a matter referred*
 4 *by the Secretary, may undertake enforcement action under*
 5 *this section.*

6 “(3) *Notwithstanding subsection (b) and paragraph*
 7 *(2) of this subsection, the Administrator shall have all of*
 8 *the authorities of the Secretary, as specified in subsection*
 9 *(b) of this section, for the purposes of enforcing regulations*
 10 *17 and 18 of Annex VI to the Convention to the extent that*
 11 *shoreside violations are the subject of the action and in any*
 12 *other matter referred to the Administrator by the Sec-*
 13 *retary.”.*

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

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

18 **SEC. 459. PENALTIES.**

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

20 *(1) by striking “Protocol,” each place it appears*
 21 *and inserting “Protocol,”;*

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

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

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

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

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

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

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

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

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

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

22 “Authorities, requirements, and remedies of this Act
23 supplement and neither amend nor repeal any other au-
24 thorities, requirements, or remedies conferred by any other
25 provision of law. Nothing in this Act shall limit, deny,

1 *amend, modify, or repeal any other authority, requirement,*
 2 *or remedy available to the United States or any other per-*
 3 *son, except as expressly provided in this Act.”.*

4 ***TITLE V—AVIATION***

5 ***SEC. 501. CLEEN ENGINE AND AIRFRAME TECHNOLOGY*** 6 ***PARTNERSHIP.***

7 (a) *COOPERATIVE AGREEMENT.*—Subchapter I of
 8 chapter 475 of title 49, United States Code, is amended by
 9 adding at the end the following:

10 ***“§47511. CLEEN engine and airframe technology*** 11 ***partnership***

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

18 “(b) *CLEEN ENGINE AND AIRFRAME TECHNOLOGY*
 19 *DEFINED.*—In this section, the term ‘CLEEN engine and
 20 airframe technology’ means continuous lower energy, emis-
 21 sions, and noise engine and airframe technology.

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

1 “(1) *Development of certifiable aircraft tech-*
2 *nology that reduces greenhouse gas emissions by in-*
3 *creasing aircraft fuel efficiency by 25 percent relative*
4 *to 1997 subsonic jet aircraft technology.*

5 “(2) *Development of certifiable engine technology*
6 *that reduces landing and takeoff cycle nitrogen oxide*
7 *emissions by 50 percent, without increasing other gas-*
8 *eous or particle emissions, over the International*
9 *Civil Aviation Organization standard adopted in*
10 *2004.*

11 “(3) *Development of certifiable aircraft tech-*
12 *nology that reduces noise levels by 10 decibels at each*
13 *of the 3 certification points relative to 1997 subsonic*
14 *jet aircraft technology.*

15 “(4) *Determination of the feasibility of the use of*
16 *alternative fuels in aircraft systems, including suc-*
17 *cessful demonstration and quantification of the bene-*
18 *fits of such fuels.*

19 “(5) *Determination of the extent to which new*
20 *engine and aircraft technologies may be used to ret-*
21 *rofit or re-engine aircraft to increase the integration*
22 *of retrofitted and re-engined aircraft into the commer-*
23 *cial fleet.*

24 “(d) *CLEAN COAL TO JET FUEL RESEARCH.—*

1 “(1) *ESTABLISHMENT OF RESEARCH PRO-*
2 *GRAM.—The Secretary of Transportation shall con-*
3 *duct a research program related to developing jet fuel*
4 *from clean coal through grants or other measures au-*
5 *thorized under section 106(l)(6) of such title, includ-*
6 *ing reimbursable agreements with other Federal agen-*
7 *cies. The Secretary may include as a purpose of the*
8 *program a demonstration of the capture and seques-*
9 *tration of the carbon dioxide produced in the conver-*
10 *sion process of coal to jet fuel. The program shall in-*
11 *clude participation by educational and research insti-*
12 *tutions that have existing facilities and experience in*
13 *the development and deployment of technology that*
14 *processes coal to aviation fuel.*

15 “(2) *DESIGNATION OF INSTITUTE AS A CENTER*
16 *OF EXCELLENCE.—Within 6 months after the date of*
17 *enactment of this Act, the Administrator of the Fed-*
18 *eral Aviation Administration shall designate through*
19 *a competitive process an institution described in sub-*
20 *section (a) as a Center of Excellence for Coal to Jet*
21 *Fuel Research.*

22 “(e) *FUNDING.—Of amounts appropriated under sec-*
23 *tion 48102(a), not more than the following amounts may*
24 *be used to carry out this section:*

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) *be implemented by an eligible consortium.*

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

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

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

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

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

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

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

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

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

15 *(D) A Federal laboratory.*

16 *(2) ENVIRONMENTAL MITIGATION DEMONSTRA-*
 17 *TION PROJECT.—The term “environmental mitigation*
 18 *demonstration project” means a project that—*

19 *(A) demonstrates at a public-use airport en-*
 20 *vironmental mitigation techniques or tech-*
 21 *nologies with associated benefits, which have al-*
 22 *ready been proven in laboratory demonstrations;*

23 *(B) utilizes methods for efficient adaptation*
 24 *or integration of innovative concepts to airport*
 25 *operations; and*

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

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

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

TITLE VI—PUBLIC BUILDINGS

Subtitle A—General Services

Administration

SEC. 601. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) *ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.*—Section 3307(b) of title 40, United States Code, is amended—

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

(5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by inserting after paragraph (6) the following:

“(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or

1 space to be leased, an estimate of the future energy
 2 performance of the building or space and a specific
 3 description of the use of energy efficient and renew-
 4 able energy systems, including photovoltaic systems,
 5 in carrying out the project.”.

6 (b) *MINIMUM PERFORMANCE REQUIREMENTS FOR*
 7 *LEASED SPACE*.—Section 3307 of such of title is amend-
 8 ed—

9 (1) by redesignating subsections (f) and (g) as
 10 subsections (g) and (h), respectively; and

11 (2) by inserting after subsection (e) the following:

12 “(f) *MINIMUM PERFORMANCE REQUIREMENTS FOR*
 13 *LEASED SPACE*.—With respect to space to be leased, the Ad-
 14 ministrators shall include, to the maximum extent prac-
 15 ticable, minimum performance requirements requiring en-
 16 ergy efficiency and the use of renewable energy.”.

17 (c) *USE OF ENERGY EFFICIENT LIGHTING FIXTURES*
 18 *AND BULBS*.—

19 (1) *IN GENERAL*.—Chapter 33 of such title is
 20 amended—

21 (A) by redesignating sections 3313, 3314,
 22 and 3315 as sections 3315, 3316, and 3317, re-
 23 spectively; and

24 (B) by inserting after section 3312 the fol-
 25 lowing:

1 **“§ 3313. Use of energy efficient lighting fixtures and**
 2 **bulbs**

3 “(a) CONSTRUCTION, ALTERATION, AND ACQUISITION
 4 OF PUBLIC BUILDINGS.—Each public building constructed,
 5 altered, or acquired by the Administrator of General Serv-
 6 ices shall be equipped, to the maximum extent feasible as
 7 determined by the Administrator, with lighting fixtures and
 8 bulbs that are energy efficient.

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

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

18 “(1) the life-cycle cost effectiveness of the fixture
 19 or bulb;

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

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

24 “(4) the aesthetics relating to use of the fixture
 25 or bulb; and

1 “(5) *such other factors as the Administrator de-*
 2 *termines appropriate.*

3 “(d) *ENERGY STAR.—A lighting fixture or bulb shall*
 4 *be treated as being energy efficient for purposes of this sec-*
 5 *tion if—*

6 “(1) *the fixture or bulb is certified under the En-*
 7 *ergy Star program established by section 324A of the*
 8 *Energy Policy and Conservation Act (42 U.S.C.*
 9 *6294a); or*

10 “(2) *the Administrator has otherwise determined*
 11 *that the fixture or bulb is energy efficient.*

12 “(e) *APPLICABILITY OF BUY AMERICAN ACT.—*
 13 *Aquisitions carried out pursuant to this section shall be*
 14 *subject to the requirements of the Buy American Act (41*
 15 *U.S.C. 10c et seq.).*

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

19 “(2) *CONFORMING AMENDMENT.—The analysis for*
 20 *such chapter is amended by striking the items relat-*
 21 *ing to sections 3313, 3314, and 3315 and inserting*
 22 *the following:*

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

“3314. *Maximum period for utility services contracts.*

“3315. *Delegation.*

“3316. *Report to Congress.*

“3317. *Certain authority not affected.”.*

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

5 **“§ 3314. Maximum period for utility service contracts**

6 “Notwithstanding section 501(b)(1)(B), the Adminis-
 7 trator of General Services may contract for public utility
 8 services for a period of not more than 30 years if cost effec-
 9 tive and necessary to promote the use of energy efficient
 10 and renewable energy systems, including photovoltaic sys-
 11 tems.”.

12 (e) *EVALUATION FACTOR.*—Section 3310 of such title
 13 is amended—

14 (1) by redesignating paragraphs (3), (4), and (5)
 15 as paragraphs (4), (5), and (6), respectively; and

16 (2) by inserting after paragraph (2) the fol-
 17 lowing:

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

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

2 Section 544(a)(1) of the National Energy Conservation
3 Policy Act (42 U.S.C. 8254(a)(1)) is amended by striking
4 “25” and inserting “40”.

5 **SEC. 603. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DE-**
6 **PARTMENT OF ENERGY HEADQUARTERS**
7 **BUILDING.**

8 (a) *IN GENERAL.*—The Administrator of General
9 Services shall install a photovoltaic system, as set forth in
10 the Sun Wall Design Project, for the headquarters building
11 of the Department of Energy located at 1000 Independence
12 Avenue, SW., Washington, DC, commonly known as the
13 Forrestal Building.

14 (b) *FUNDING.*—There shall be available from the Fed-
15 eral Buildings Fund established by section 592 of title 40,
16 United States Code, \$30,000,000 to carry out this section.
17 Such sums shall be derived from the unobligated balance
18 of amounts made available from the Fund for fiscal year
19 2007, and prior fiscal years, for repairs and alternations
20 and other activities (excluding amounts made available for
21 the energy program). Such sums shall remain available
22 until expended.

23 (c) *OBLIGATION OF FUNDS.*—None of the funds made
24 available pursuant to subsection (b) may be obligated prior
25 to September 30, 2007.

1 ***Subtitle B—Coast Guard***

2 ***SEC. 631. PROHIBITION ON INCANDESCENT LAMPS BY***
3 ***COAST GUARD.***

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

8 (b) *EXCEPTION.*—*A general service incandescent lamp*
9 *may be purchased, installed, and used in a Coast Guard*
10 *facility whenever the application of a general service incan-*
11 *descent lamp is—*

12 (1) *necessary due to purpose or design, including*
13 *medical, security, and industrial applications;*

14 (2) *reasonable due to the architectural or histor-*
15 *ical value of a light fixture installed before January*
16 *1, 2009; or*

17 (3) *the Commandant of the Coast Guard deter-*
18 *mines that operational requirements necessitate the*
19 *use of a general service incandescent lamp.*

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

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

2 ***SEC. 651. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASI-***
3 ***BILITY STUDY.***

4 (a) *STUDY.*—*The Architect of the Capitol may perform*
5 *a feasibility study regarding construction of a photovoltaic*
6 *roof for the Rayburn House Office Building.*

7 (b) *REPORT.*—*Not later than 6 months after the date*
8 *of enactment of this Act, the Architect of the Capitol shall*
9 *transmit to the Committee on Transportation and Infra-*
10 *structure of the House of Representatives a report on the*
11 *results of the feasibility study and recommendations regard-*
12 *ing construction of a photovoltaic roof for the building re-*
13 *ferred to in subsection (a).*

14 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
15 *authorized to be appropriated to carry out this section such*
16 *sums as may be necessary for fiscal year 2008.*

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

18 (a) *CONSTRUCTION.*—*The Architect of the Capitol may*
19 *construct a fuel tank and pumping system for E-85 fuel*
20 *at or within close proximity to the Capitol Grounds Fuel*
21 *Station.*

22 (b) *USE.*—*The E-85 fuel tank and pumping system*
23 *shall be available for use by all legislative branch vehicles*
24 *capable of operating with E-85 fuel, subject to such other*
25 *legislative branch agencies reimbursing the Architect of the*

1 *Capitol for the costs of E-85 fuel used by such other legisla-*
 2 *tive branch vehicles.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 4 *authorized to be appropriated to carry out this section such*
 5 *sums as may be necessary for fiscal year 2008.*

6 **SEC. 653. ENERGY AND ENVIRONMENTAL MEASURES IN**
 7 **CAPITOL COMPLEX MASTER PLAN.**

8 (a) *IN GENERAL.—To the maximum extent prac-*
 9 *ticable, the Architect of the Capitol shall include energy effi-*
 10 *ciency measures, climate change mitigation measures, and*
 11 *other appropriate environmental measures in the Capitol*
 12 *Complex Master Plan.*

13 (b) *REPORT.—Not later than 6 months after the date*
 14 *of enactment of this Act, the Architect of the Capitol shall*
 15 *submit to the Committee on Transportation and Infrastruc-*
 16 *ture of the House of Representatives and the Committee on*
 17 *Rules of the Senate a report on the energy efficiency meas-*
 18 *ures, climate change mitigation measures, and other appro-*
 19 *priate environmental measures included in the Capitol*
 20 *Complex Master Plan pursuant to subsection (a).*

21 **SEC. 654. CAPITOL POWER PLANT.**

22 (a) *IN GENERAL.—For the purpose of reducing carbon*
 23 *dioxide emissions, the Architect of the Capitol shall install*
 24 *technologies for the capture and storage or use of carbon*

1 *dioxide emitted from the Capitol Power plant as a result*
 2 *of burning coal.*

3 (b) *CAPITOL POWER PLANT DEFINED.*—*In this sec-*
 4 *tion, the term “Capitol power plant” means the power*
 5 *plant constructed in the vicinity of the Capitol Complex*
 6 *in the District of Columbia pursuant to the Act of April*
 7 *28, 1904 (33 Stat. 479, chapter 1762), and designated*
 8 *under the Act of March 4, 1911 (2 U.S.C. 2162).*

9 ***TITLE VII—WATER RESOURCES***
 10 ***AND EMERGENCY MANAGE-***
 11 ***MENT PREPAREDNESS***

12 ***Subtitle A—Water Resources***

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

14 *It is the policy of the United States that all Federal*
 15 *water resources projects—*

16 (1) *reflect national priorities for flood damage*
 17 *reduction, navigation, ecosystem restoration, and haz-*
 18 *ard mitigation and consider the future impacts of in-*
 19 *creased hurricanes, droughts, and other climate*
 20 *change-related weather events;*

21 (2) *avoid the unwise use of floodplains, minimize*
 22 *vulnerabilities in any case in which a floodplain*
 23 *must be used, protect and restore the extent and func-*
 24 *tions of natural systems, and mitigate any unavoi-*
 25 *able damage to aquatic natural system; and*

1 (3) *to the maximum extent possible, avoid im-*
2 *pacts to wetlands, which create natural buffers, help*
3 *filter water, serve as recharge areas for aquifers, re-*
4 *duce floods and erosion, and provide valuable plant*
5 *and animal habitat.*

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

7 (a) *ESTABLISHMENT.*—*There is established a commis-*
8 *sion to be known as the 21st Century Water Commission*
9 *(in this section referred to as the “Commission”).*

10 (b) *DUTIES.*—*The duties of the Commission shall be*
11 *to—*

12 (1) *use existing water assessments and conduct*
13 *such additional studies and assessments as may be*
14 *necessary to project—*

15 (A) *future water supply and demand;*

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

18 (C) *associated impacts of climate change on*
19 *water quality;*

20 (2)(A) *study current water management pro-*
21 *grams of Federal, interstate, State, and local agencies*
22 *and private sector entities directed at increasing*
23 *water supplies and improving the availability, reli-*
24 *ability, and quality of freshwater resources; and*

1 (B) evaluate such programs' hazard mitigation
2 strategies and contingency planning in light of cli-
3 mate change impacts, including sea level rise, flood-
4 ing, and droughts; and

5 (3) consult with representatives of such agencies
6 and entities to develop recommendations, consistent
7 with laws, treaties, decrees, and interstate compacts,
8 for a comprehensive water strategy to—

9 (A) recognize the primary role of States in
10 adjudicating, administering, and regulating
11 water rights and water uses;

12 (B) identify incentives intended to ensure
13 an adequate and dependable supply of water to
14 meet the needs of the United States for the next
15 50 years and incentives to include the future im-
16 pacts of climate change on water supply and
17 quality for the next 50 years;

18 (C) eliminate duplication and conflict
19 among Federal governmental programs;

20 (D) consider all available technologies (in-
21 cluding climate change predictions, advanced
22 modeling and mapping of wetlands, floodplains,
23 and other critical areas) and other methods to
24 optimize water supply reliability, availability,
25 and quality, while safeguarding and enhancing

1 *the environment and planning for the potential*
2 *impacts of climate change on water quality,*
3 *water supply, flood and storm damage reduction,*
4 *and ecosystem health;*

5 *(E) recommend means of capturing excess*
6 *water and flood water for conservation and use*
7 *in the event of a drought;*

8 *(F) identify adaptation techniques, or fur-*
9 *ther research needs of adaptation techniques, for*
10 *effectively conserving freshwater and coastal sys-*
11 *tems as they respond to climate change;*

12 *(G) suggest financing options, incentives,*
13 *and strategies for development of comprehensive*
14 *water management plans, holistically designed*
15 *water resources projects, conservation of existing*
16 *water resource infrastructure (including rec-*
17 *ommendations for repairing aging water infra-*
18 *structure) and to increase the use of non-*
19 *structural elements (including green infrastruc-*
20 *ture and low impact development techniques);*

21 *(H) suggest strategies for avoiding increased*
22 *mandates on State and local governments;*

23 *(I) suggest strategies for using best available*
24 *climate science in projections of future flood and*
25 *drought risk, and for developing hazard mitiga-*

tion strategies to protect water quality, in extreme weather conditions caused by climate change;

(J) identify policies that encourage low impact development, especially in areas near high priority aquatic systems;

(K) suggest strategies for encouraging the use of, and reducing biases against, non-structural elements and low impact development techniques when managing stormwater, including features that—

(i) preserve and restore natural processes, landforms (such as floodplains), natural vegetated stream side buffers, wetlands, or other topographical features that can slow, filter, and naturally store stormwater runoff and flood waters for future water supply and recharge of natural aquifers;

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

(iii) minimize the use of impervious surfaces in order to slow or infiltrate precipitation;

1 (L) suggest strategies for addressing in-
 2 creased sewage overflow problems due to chang-
 3 ing storm dynamics and the impact of aging
 4 stormwater and wastewater infrastructure, popu-
 5 lation growth, and urban sprawl;

6 (M) promote environmental restoration
 7 projects that reestablish natural processes; and

8 (N) identify opportunities to promote exist-
 9 ing or create regional planning, including op-
 10 portunities to integrate climate change into
 11 water infrastructure and environmental con-
 12 servation planning.

13 (c) *MEMBERSHIP.*—

14 (1) *NUMBER AND APPOINTMENT.*—*The Commis-*
 15 *sion shall be composed of 8 members who shall be ap-*
 16 *pointed, not later than 90 days after the date of en-*
 17 *actment of this Act, as follows:*

18 (A) 2 members appointed by the President.

19 (B) 2 members appointed by the Speaker of
 20 the House of Representatives from a list of 4 in-
 21 dividuals—

22 (i) 2 nominated for that appointment
 23 by the chairman of the Committee on
 24 Transportation and Infrastructure of the
 25 House of Representatives; and

1 (ii) 2 nominated for that appointment
2 by the chairman of the Committee Natural
3 Resources of the House of Representatives.

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

7 (i) 2 nominated for that appointment
8 by the chairman of the Committee on Envi-
9 ronment and Public Works of the Senate;
10 and

11 (ii) 2 nominated for that appointment
12 by the chairman of the Committee on En-
13 ergy and Natural Resources of the Senate.

14 (D) One member appointed by the minority
15 leader of the House of Representatives from a list
16 of 2 individuals—

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

21 (ii) one nominated for that appoint-
22 ment by the ranking member of the Com-
23 mittee on Natural Resources of the Senate.

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

4 (i) one nominated for that appoint-
5 ment by the ranking member of the Com-
6 mittee on Environment and Public Works of
7 the Senate; and

8 (ii) one nominated for that appoint-
9 ment by the ranking member of the Com-
10 mittee on Energy and Natural Resources of
11 the Senate.

12 (2) QUALIFICATIONS.—

13 (A) *RECOGNIZED STANDING AND DISTINC-*
14 *TION.*—Members shall be appointed to the Com-
15 mission from among individuals who are of rec-
16 ognized standing and distinction in water policy
17 issues.

18 (B) *LIMITATION.*—A person while serving
19 as a member of the Commission may not hold
20 any other position as an officer or employee of
21 the United States, except as a retired officer or
22 retired civilian employee of the United States.

23 (C) *OTHER CONSIDERATIONS.*—In appoint-
24 ing members of the Commission, every effort
25 shall be made to ensure that the members rep-

1 *resent a broad cross section of regional and geo-*
2 *graphical perspectives in the United States.*

3 (3) *CHAIRPERSON.—The Chairperson of the*
4 *Commission shall be elected by a majority vote of the*
5 *members of the Commission.*

6 (4) *TERMS.—Members of the Commission shall*
7 *serve for the life of the Commission.*

8 (5) *VACANCIES.—A vacancy on the Commission*
9 *shall not affect its operation and shall be filled in the*
10 *manner in which the original appointment was*
11 *made.*

12 (6) *COMPENSATION AND TRAVEL EXPENSES.—*
13 *Members of the Commission shall serve without com-*
14 *ensation; except that members shall receive travel ex-*
15 *penses, including per diem in lieu of subsistence, in*
16 *accordance with applicable provisions under sub-*
17 *chapter I of chapter 57, United States Code.*

18 (d) *MEETINGS AND QUORUM.—*

19 (1) *MEETINGS.—The Commission shall hold its*
20 *first meeting not later than 60 days after the date on*
21 *which all original members are appointed under sub-*
22 *section (c) and shall hold additional meetings at the*
23 *call of the Chairperson or a majority of its members.*

1 (2) *QUORUM*.—A majority of the members of the
 2 Commission shall constitute a quorum for the trans-
 3 action of business.

4 (e) *DIRECTOR AND STAFF*.—

5 (1) *DIRECTOR*.—The Commission shall have a
 6 Director who shall be appointed by the Speaker of the
 7 House of Representatives and the majority leader of
 8 the Senate, in consultation with the minority leader
 9 of the House of Representatives, the chairmen of the
 10 Committees on Resources and Transportation and In-
 11 frastructure of the House of Representatives, the mi-
 12 nority leader of the Senate, and the chairmen of the
 13 Committee on Energy and Natural Resources and
 14 Environment and Public Works of the Senate.

15 (2) *APPLICABILITY OF CERTAIN CIVIL SERVICE*
 16 *LAWS*.—The Director and staff of the Commission
 17 may be appointed without regard to the provisions of
 18 title 5, United States Code, governing appointments
 19 in the competitive service, and may be paid without
 20 regard to the provisions of chapter 51 and subchapter
 21 III of chapter 53 of that title relating to classification
 22 and General Schedule pay rates; except that an indi-
 23 vidual so appointed may not receive pay in excess of
 24 the annual rate of basic pay for GS–15 of the General
 25 Schedule.

1 (f) *HEARINGS.*—

2 (1) *MINIMUM NUMBER.*—*The Commission shall*
3 *hold no fewer than 10 hearings during the life of the*
4 *Commission.*

5 (2) *IN CONJUNCTION WITH MEETINGS.*—*Hear-*
6 *ings may be held in conjunction with meetings of the*
7 *Commission.*

8 (3) *TESTIMONY AND EVIDENCE.*—*The Commis-*
9 *sion may take such testimony and receive such evi-*
10 *dence as the Commission considers appropriate to*
11 *carry out this section.*

12 (4) *SPECIFIED.*—*At least one hearing shall be*
13 *held in Washington, District of Columbia, for the*
14 *purpose of taking testimony of representatives of Fed-*
15 *eral agencies, national organizations, and Members of*
16 *Congress. At least one hearing shall focus on potential*
17 *water resource issues relating to climate change and*
18 *how to mitigate the harms of climate change-related*
19 *weather events.*

20 (5) *NONSPECIFIED.*—*Hearings, other than those*
21 *referred to in paragraph (4), shall be scheduled in*
22 *distinct geographical regions of the United States. In*
23 *conducting such hearings, the Commission should seek*
24 *to ensure testimony from individuals with a diversity*
25 *of experiences, including those who work on water*

1 *issues at all levels of government and in the private*
2 *sector.*

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

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

9 *(2) detail to temporary duty with the Commis-*
10 *sion on a reimbursable basis such personnel as the*
11 *Commission considers necessary to carry out this sec-*
12 *tion.*

13 *(h) INTERIM REPORTS.—Not later than one year after*
14 *the date of the first meeting of the Commission, and every*
15 *year thereafter, the Commission shall submit an interim re-*
16 *port containing a detailed summary of its progress, includ-*
17 *ing meetings held and hearings conducted before the date*
18 *of the report, to—*

19 *(1) the President; and*

20 *(2) Congress.*

21 *(i) FINAL REPORT.—As soon as practicable, but not*
22 *later than 5 years after the date of the first meeting of the*
23 *Commission, the Commission shall submit a final report*
24 *containing a detailed statement of the findings and conclu-*
25 *sions of the Commission and recommendations for legisla-*

tion and other policies to implement such findings and conclusions to—

(1) the President;

(2) the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) the Committee on Energy and Natural Resources and the Committee on the Environment and Public Works of the Senate.

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

(k) *APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.*—The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to the Commission.

(l) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated \$12,000,000 to carry out this section.

SEC. 703. IMPROVING HYDROPOWER CAPABILITIES.

(a) *STUDY.*—The Secretary of the Army shall conduct a study on the potential for reduced fossil fuel consumption through an increase in hydropower capabilities of the Corps of Engineers.

(b) *CONTENTS.*—The study shall include an examination of the potential for improving hydropower capabilities

1 *at dams owned or operated by the Corps of Engineers, in-*
 2 *cluding the ecological impacts of such capabilities.*

3 *(c) REPORT.—Not later than one year after the date*
 4 *of enactment of this Act, the Secretary shall submit to Con-*
 5 *gress a report containing the results of the study conducted*
 6 *under this section.*

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

10 *(a) NATIONAL ACADEMY STUDY.—The Administrator*
 11 *of the Environmental Protection Agency shall enter into an*
 12 *arrangement with the National Academy of Sciences under*
 13 *which the Academy shall—*

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

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

(3) identify prudent steps to assess emerging information and identify appropriate response actions to meet the requirements of such Act, including provisions to attain or maintain water quality standards and for adequate stream flows for wetlands and aquatic resources; and

(4) recommend, if necessary, potential legislative or regulatory changes to address impacts of global climate change on efforts to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

(b) *RECOMMENDATIONS*.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study under this section.

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

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

(b) *CONSIDERATION.*—In carrying out this section, the Secretary shall utilize a representative range of climate change scenarios, including the current analyses of the

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

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

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

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

14 (a) *STUDY.*—The Administrator of the Federal Emer-
 15 gency Management Agency shall conduct a comprehensive
 16 study of the increase in demand for the Agency’s emergency
 17 preparedness, response, recovery, and mitigation programs
 18 and services that may be reasonably anticipated as a result
 19 of an increased number and intensity of natural disasters
 20 affected by climate change, including hurricanes, floods, tor-
 21 nadoes, fires, droughts, and severe storms.

22 (b) *CONTENTS.*—The study shall include an analysis
 23 of the budgetary and personnel needs of meeting the in-
 24 creased demand for Agency services referred to in subsection
 25 (a).

1 (c) *REPORT.*—Not later than one year after the date
2 of enactment of this Act, the Administrator shall submit
3 to the Committee on Transportation and Infrastructure of
4 the House of Representatives and the Committee on Home-
5 land Security and Governmental Affairs of the Senate a
6 report and any legislative recommendations on the study
7 conducted under this section.

Union Calendar No. 581

110TH CONGRESS
2^D Session

H. R. 2701

[Report No. 110-904]

A BILL

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

SEPTEMBER 29, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed