

**Calendar No. 156**110TH CONGRESS  
1ST SESSION**S. 1419**

To move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MAY 17, 2007

Mr. REID introduced the following bill; which was read twice and ordered to be placed on the calendar

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**A BILL**

To move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Renewable Fuels, Consumer Protection, and Energy Ef-  
 4 ficiency Act of 2007”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Relationship to other law.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND  
TRANSPORTATION

- Sec. 101. Short title.
- Sec. 102. Definitions.

Subtitle A—Renewable Fuel Standard

- Sec. 111. Renewable fuel standard.
- Sec. 112. Production of renewable fuel using renewable energy.

Subtitle B—Renewable Fuels Infrastructure

- Sec. 121. Infrastructure pilot program for renewable fuels.
- Sec. 122. Bioenergy research and development.
- Sec. 123. Bioresearch centers for systems biology program.
- Sec. 124. Loan guarantees for renewable fuel facilities.
- Sec. 125. Grants for renewable fuel production research and development in certain States.
- Sec. 126. Grants for infrastructure for transportation of biomass to local biorefineries.
- Sec. 127. Biorefinery information center.
- Sec. 128. Alternative fuel database and materials.
- Sec. 129. Fuel tank cap labeling requirement.
- Sec. 130. Biodiesel.

Subtitle C—Studies

- Sec. 141. Study of advanced biofuels technologies.
- Sec. 142. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
- Sec. 143. Pipeline feasibility study.
- Sec. 144. Study of optimization of flexible fueled vehicles to use E-85 fuel.
- Sec. 145. Study of credits for use of renewable electricity in electric vehicles.
- Sec. 146. Study of engine durability associated with the use of biodiesel.
- Sec. 147. Study of incentives for renewable fuels.
- Sec. 148. Study of streamlined lifecycle analysis tools for the evaluation of renewable carbon content of biofuels.
- Sec. 149. Study of the adequacy of railroad transportation of domestically-produced renewable fuel.
- Sec. 150. Study of effects of ethanol-blended gasoline on off road vehicles.

## TITLE II—ENERGY EFFICIENCY PROMOTION

- Sec. 201. Short title.
- Sec. 202. Definition of Secretary.

## Subtitle A—Promoting Advanced Lighting Technologies

- Sec. 211. Accelerated procurement of energy efficient lighting.
- Sec. 212. Incandescent reflector lamp efficiency standards.
- Sec. 213. Bright Tomorrow Lighting Prizes.
- Sec. 214. Sense of Senate concerning efficient lighting standards.
- Sec. 215. Renewable energy construction grants.

## Subtitle B—Expediting New Energy Efficiency Standards

- Sec. 221. Definition of energy conservation standard.
- Sec. 222. Regional efficiency standards for heating and cooling products.
- Sec. 223. Furnace fan rulemaking.
- Sec. 224. Expedited rulemakings.
- Sec. 225. Periodic reviews.
- Sec. 226. Energy efficiency labeling for consumer products.
- Sec. 227. Residential boiler efficiency standards.
- Sec. 228. Technical corrections.
- Sec. 229. Electric motor efficiency standards.
- Sec. 230. Energy standards for home appliances.
- Sec. 231. Improved energy efficiency for appliances and buildings in cold climates.
- Sec. 232. Deployment of new technologies for high-efficiency consumer products.
- Sec. 233. Industrial efficiency program.

## Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

- Sec. 241. Lightweight materials research and development.
- Sec. 242. Loan guarantees for fuel-efficient automobile parts manufacturers.
- Sec. 243. Advanced technology vehicles manufacturing incentive program.
- Sec. 244. Energy storage competitiveness.
- Sec. 245. Advanced transportation technology program.

## Subtitle D—Setting Energy Efficiency Goals

- Sec. 251. National goals for energy savings in transportation.
- Sec. 252. National energy efficiency improvement goals.
- Sec. 253. National media campaign.
- Sec. 254. Modernization of electricity grid system.

## Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

- Sec. 261. Federal fleet conservation requirements.
- Sec. 262. Federal requirement to purchase electricity generated by renewable energy.
- Sec. 263. Energy savings performance contracts.
- Sec. 264. Energy management requirements for Federal buildings.
- Sec. 265. Combined heat and power and district energy installations at Federal sites.
- Sec. 266. Federal building energy efficiency performance standards.

- Sec. 267. Application of International Energy Conservation Code to public and assisted housing.
- Sec. 268. Energy efficient commercial buildings initiative.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

- Sec. 271. Weatherization assistance for low-income persons.
- Sec. 272. State energy conservation plans.
- Sec. 273. Utility energy efficiency programs.
- Sec. 274. Energy efficiency and demand response program assistance.
- Sec. 275. Energy and environmental block grant.
- Sec. 276. Energy sustainability and efficiency grants for institutions of higher education.
- Sec. 277. Workforce training.
- Sec. 278. Assistance to States to reduce school bus idling.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

- Sec. 301. Short title.
- Sec. 302. Carbon capture and storage research, development, and demonstration program.
- Sec. 303. Carbon dioxide storage capacity assessment.
- Sec. 304. Carbon capture and storage initiative.

TITLE IV—PUBLIC BUILDINGS COST REDUCTION

- Sec. 401. Short title.
- Sec. 402. Cost-effective technology acceleration program.
- Sec. 403. Environmental Protection Agency demonstration grant program for local governments.
- Sec. 404. Definitions.

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

- Sec. 501. Short title.
- Sec. 502. Average fuel economy standards for automobiles, medium-duty trucks, and heavy duty trucks.
- Sec. 503. Amending fuel economy standards.
- Sec. 504. Definitions.
- Sec. 505. Ensuring safety of automobiles.
- Sec. 506. Credit trading program.
- Sec. 507. Labels for fuel economy and greenhouse gas emissions.
- Sec. 508. Continued applicability of existing standards.
- Sec. 509. National Academy of Sciences studies.
- Sec. 510. Standards for Executive agency automobiles.
- Sec. 511. Ensuring availability of flexible fuel automobiles.
- Sec. 512. Increasing consumer awareness of flexible fuel automobiles.
- Sec. 513. Periodic review of accuracy of fuel economy labeling procedures.
- Sec. 514. Tire fuel efficiency consumer information.
- Sec. 515. Advanced Battery Initiative.
- Sec. 516. Biodiesel standards.
- Sec. 517. Use of civil penalties for research and development.
- Sec. 518. Authorization of appropriations.

TITLE VI—PRICE GOUGING

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Prohibition on price gouging during Energy emergencies.
- Sec. 604. Prohibition on market manipulation.
- Sec. 605. Prohibition on false information.
- Sec. 606. Presidential declaration of Energy emergency.
- Sec. 607. Enforcement by the Federal Trade Commission.
- Sec. 608. Enforcement by State Attorneys General.
- Sec. 609. Penalties.
- Sec. 610. Effect on other laws.

#### TITLE VII—ENERGY DIPLOMACY AND SECURITY

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Sense of Congress on energy diplomacy and security.
- Sec. 704. Strategic energy partnerships.
- Sec. 705. International energy crisis response mechanisms.
- Sec. 706. Hemisphere energy cooperation forum.
- Sec. 707. Appropriate congressional committees defined.

#### 1 **SEC. 2. RELATIONSHIP TO OTHER LAW.**

2       Except to the extent expressly provided in this Act  
 3 or an amendment made by this Act, nothing in this Act  
 4 or an amendment made by this Act supersedes, limits the  
 5 authority provided or responsibility conferred by, or au-  
 6 thorizes any violation of any provision of law (including  
 7 a regulation), including any energy or environmental law  
 8 or regulation.

### 9 **TITLE I—BIOFUELS FOR ENERGY** 10 **SECURITY AND TRANSPORTATION** 11 **TATION**

#### 12 **SEC. 101. SHORT TITLE.**

13       This title may be cited as the “Biofuels for Energy  
 14 Security and Transportation Act of 2007”.

#### 15 **SEC. 102. DEFINITIONS.**

16       In this title:

1 (1) ADVANCED BIOFUEL.—

2 (A) IN GENERAL.—The term “advanced  
3 biofuel” means fuel derived from renewable bio-  
4 mass other than corn starch.

5 (B) INCLUSIONS.—The term “advanced  
6 biofuel” includes—

7 (i) ethanol derived from cellulose,  
8 hemicellulose, or lignin;

9 (ii) ethanol derived from sugar or  
10 starch, other than ethanol derived from  
11 corn starch;

12 (iii) ethanol derived from waste mate-  
13 rial, including crop residue, other vegeta-  
14 tive waste material, animal waste, and food  
15 waste and yard waste;

16 (iv) diesel-equivalent fuel derived from  
17 renewable biomass, including vegetable oil  
18 and animal fat;

19 (v) biogas produced through the con-  
20 version of organic matter from renewable  
21 biomass; and

22 (vi) butanol or higher alcohols pro-  
23 duced through the conversion of organic  
24 matter from renewable biomass.

1           (2) CELLULOSIC BIOMASS ETHANOL.—The  
2 term “cellulosic biomass ethanol” means ethanol de-  
3 rived from any cellulose, hemicellulose, or lignin that  
4 is derived from renewable biomass.

5           (3) CONVENTIONAL BIOFUEL.—The term “con-  
6 ventional biofuel” means ethanol derived from corn  
7 starch.

8           (4) RENEWABLE BIOMASS.—The term “renew-  
9 able biomass” means—

10           (A) biomass (as defined by section 210 of  
11 the Energy Policy Act of 2005 (42 U.S.C.  
12 15855)) (excluding the bole of old-growth trees  
13 of a forest from the late successional state of  
14 forest development) that is harvested where  
15 permitted by law and in accordance with appli-  
16 cable land management plans from—

17           (i) National Forest System land; or  
18           (ii) public lands (as defined in section  
19 103 of the Federal Land Policy and Man-  
20 agement Act of 1976 (43 U.S.C. 1702));  
21 or

22           (B) any organic matter that is available on  
23 a renewable or recurring basis from non-Fed-  
24 eral land or from land belonging to an Indian  
25 tribe, or an Indian individual, that is held in

1 trust by the United States or subject to a re-  
2 striction against alienation imposed by the  
3 United States, including—

4 (i) renewable plant material, includ-  
5 ing—

6 (I) feed grains;

7 (II) other agricultural commod-  
8 ities;

9 (III) other plants and trees; and

10 (IV) algae; and

11 (ii) waste material, including—

12 (I) crop residue;

13 (II) other vegetative waste mate-  
14 rial (including wood waste and wood  
15 residues);

16 (III) animal waste and byprod-  
17 ucts (including fats, oils, greases, and  
18 manure); and

19 (IV) food waste and yard waste.

20 (5) RENEWABLE FUEL.—

21 (A) IN GENERAL.—The term “renewable  
22 fuel” means motor vehicle fuel, boiler fuel, or  
23 home heating fuel that is—

24 (i) produced from renewable biomass;

25 and

1                   (ii) used to replace or reduce the  
2                   quantity of fossil fuel present in a fuel or  
3                   fuel mixture used to operate a motor vehi-  
4                   cle, boiler, or furnace.

5                   (B) INCLUSION.—The term “renewable  
6                   fuel” includes—

7                               (i) conventional biofuel; and

8                               (ii) advanced biofuel.

9                   (6) SECRETARY.—The term “Secretary” means  
10                   the Secretary of Energy

11                   (7) SMALL REFINERY.—The term “small refin-  
12                   ery” means a refinery for which the average aggre-  
13                   gate daily crude oil throughput for a calendar year  
14                   (as determined by dividing the aggregate throughput  
15                   for the calendar year by the number of days in the  
16                   calendar year) does not exceed 75,000 barrels.

17                   **Subtitle A—Renewable Fuel**  
18                   **Standard**

19                   **SEC. 111. RENEWABLE FUEL STANDARD.**

20                   (a) RENEWABLE FUEL PROGRAM.—

21                               (1) REGULATIONS.—

22                               (A) IN GENERAL.—Not later than 1 year  
23                               after the date of enactment of this Act, the  
24                               President shall promulgate regulations to en-  
25                               sure that motor vehicle fuel, home heating oil,

1 and boiler fuel sold or introduced into com-  
2 merce in the United States (except in non-  
3 contiguous States or territories), on an annual  
4 average basis, contains the applicable volume of  
5 renewable fuel determined in accordance with  
6 paragraph (2).

7 (B) PROVISIONS OF REGULATIONS.—Re-  
8 gardless of the date of promulgation, the regu-  
9 lations promulgated under subparagraph (A)—

10 (i) shall contain compliance provisions  
11 applicable to refineries, blenders, distribu-  
12 tors, and importers, as appropriate, to en-  
13 sure that—

14 (I) the requirements of this sub-  
15 section are met; and

16 (II) renewable fuels produced  
17 from facilities built after the date of  
18 enactment of this Act achieve at least  
19 a 20 percent reduction in life cycle  
20 greenhouse gas emissions compared to  
21 gasoline; but

22 (ii) shall not—

23 (I) restrict geographic areas in  
24 the contiguous United States in which  
25 renewable fuel may be used; or

1 (II) impose any per-gallon obliga-  
2 tion for the use of renewable fuel.

3 (C) RELATIONSHIP TO OTHER REGULA-  
4 TIONS.—Regulations promulgated under this  
5 paragraph shall, to the maximum extent prac-  
6 ticable, incorporate the program structure, com-  
7 pliance, and reporting requirements established  
8 under the final regulations promulgated to im-  
9 plement the renewable fuel program established  
10 by the amendment made by section 1501(a)(2)  
11 of the Energy Policy Act of 2005 (Public Law  
12 109–58; 119 Stat. 1067).

13 (2) APPLICABLE VOLUME.—

14 (A) CALENDAR YEARS 2008 THROUGH  
15 2022.—

16 (i) RENEWABLE FUEL.—For the pur-  
17 pose of paragraph (1), subject to clause  
18 (ii), the applicable volume for any of cal-  
19 endar years 2008 through 2022 shall be  
20 determined in accordance with the fol-  
21 lowing table:

<b>Calendar year:</b>	<b>Applicable volume of renewable fuel (in billions of gallons):</b>
2008 .....	8.5
2009 .....	10.5
2010 .....	12.0
2011 .....	12.6
2012 .....	13.2
2013 .....	13.8

<b>Calendar year:</b>	<b>Applicable volume of renewable fuel (in billions of gallons):</b>
2014 .....	14.4
2015 .....	15.0
2016 .....	18.0
2017 .....	21.0
2018 .....	24.0
2019 .....	27.0
2020 .....	30.0
2021 .....	33.0
2022 .....	36.0.

1                   (ii) **ADVANCED BIOFUELS.**—For the  
 2                   purpose of paragraph (1), of the volume of  
 3                   renewable fuel required under clause (i),  
 4                   the applicable volume for any of calendar  
 5                   years 2016 through 2022 for advanced  
 6                   biofuels shall be determined in accordance  
 7                   with the following table:

<b>Calendar year:</b>	<b>Applicable volume of advanced biofuels (in billions of gallons):</b>
2016 .....	3.0
2017 .....	6.0
2018 .....	9.0
2019 .....	12.0
2020 .....	15.0
2021 .....	18.0
2022 .....	21.0.

8                   **(B) CALENDAR YEAR 2023 AND THERE-**  
 9                   **AFTER.**—Subject to subparagraph (C), for the  
 10                  purposes of paragraph (1), the applicable vol-  
 11                  ume for calendar year 2023 and each calendar  
 12                  year thereafter shall be determined by the  
 13                  President, in coordination with the Secretary of  
 14                  Energy, the Secretary of Agriculture, and the  
 15                  Administrator of the Environmental Protection

1 Agency, based on a review of the implementa-  
2 tion of the program during calendar years 2007  
3 through 2022, including a review of—

4 (i) the impact of renewable fuels on  
5 the energy security of the United States;

6 (ii) the expected annual rate of future  
7 production of renewable fuels, including  
8 advanced biofuels;

9 (iii) the impact of renewable fuels on  
10 the infrastructure of the United States, in-  
11 cluding deliverability of materials, goods,  
12 and products other than renewable fuel,  
13 and the sufficiency of infrastructure to de-  
14 liver renewable fuel; and

15 (iv) the impact of the use of renewable  
16 fuels on other factors, including job cre-  
17 ation, the price and supply of agricultural  
18 commodities, rural economic development,  
19 and the environment.

20 (C) MINIMUM APPLICABLE VOLUME.—Sub-  
21 ject to subparagraph (D), for the purpose of  
22 paragraph (1), the applicable volume for cal-  
23 endar year 2023 and each calendar year there-  
24 after shall be equal to the product obtained by  
25 multiplying—

1 (i) the number of gallons of gasoline  
2 that the President estimates will be sold or  
3 introduced into commerce in the calendar  
4 year; and

5 (ii) the ratio that—

6 (I) 36,000,000,000 gallons of re-  
7 newable fuel; bears to

8 (II) the number of gallons of gas-  
9 oline sold or introduced into com-  
10 merce in calendar year 2022.

11 (D) MINIMUM PERCENTAGE OF ADVANCED  
12 BIOFUEL.—For the purpose of paragraph (1)  
13 and subparagraph (C), at least 60 percent of  
14 the minimum applicable volume for calendar  
15 year 2023 and each calendar year thereafter  
16 shall be advanced biofuel.

17 (b) APPLICABLE PERCENTAGES.—

18 (1) PROVISION OF ESTIMATE OF VOLUMES OF  
19 GASOLINE SALES.—Not later than October 31 of  
20 each of calendar years 2008 through 2021, the Ad-  
21 ministrator of the Energy Information Administra-  
22 tion shall provide to the President an estimate, with  
23 respect to the following calendar year, of the vol-  
24 umes of gasoline projected to be sold or introduced  
25 into commerce in the United States.

1           (2) DETERMINATION OF APPLICABLE PERCENT-  
2           AGES.—

3           (A) IN GENERAL.—Not later than Novem-  
4           ber 30 of each of calendar years 2008 through  
5           2022, based on the estimate provided under  
6           paragraph (1), the President shall determine  
7           and publish in the Federal Register, with re-  
8           spect to the following calendar year, the renew-  
9           able fuel obligation that ensures that the re-  
10          quirements of subsection (a) are met.

11          (B) REQUIRED ELEMENTS.—The renew-  
12          able fuel obligation determined for a calendar  
13          year under subparagraph (A) shall—

14                 (i) be applicable to refineries, blend-  
15                 ers, and importers, as appropriate;

16                 (ii) be expressed in terms of a volume  
17                 percentage of gasoline sold or introduced  
18                 into commerce in the United States; and

19                 (iii) subject to paragraph (3)(A), con-  
20                 sist of a single applicable percentage that  
21                 applies to all categories of persons speci-  
22                 fied in clause (i).

23          (3) ADJUSTMENTS.—In determining the appli-  
24          cable percentage for a calendar year, the President  
25          shall make adjustments—

1 (A) to prevent the imposition of redundant  
2 obligations on any person specified in para-  
3 graph (2)(B)(i); and

4 (B) to account for the use of renewable  
5 fuel during the previous calendar year by small  
6 refineries that are exempt under subsection (g).

7 (c) VOLUME CONVERSION FACTORS FOR RENEW-  
8 ABLE FUELS BASED ON ENERGY CONTENT OR REQUIRE-  
9 MENTS.—

10 (1) IN GENERAL.—For the purpose of sub-  
11 section (a), the President shall assign values to spe-  
12 cific types of advanced biofuels for the purpose of  
13 satisfying the fuel volume requirements of subsection  
14 (a)(2) in accordance with this subsection.

15 (2) ENERGY CONTENT RELATIVE TO ETH-  
16 ANOL.—For advanced biofuel, 1 gallon of the ad-  
17 vanced biofuel shall be considered to be the equiva-  
18 lent of 1 gallon of renewable fuel multiplied by the  
19 ratio that—

20 (A) the number of British thermal units of  
21 energy produced by the combustion of 1 gallon  
22 of the advanced biofuel (as measured under  
23 conditions determined by the Secretary); bears  
24 to

1 (B) the number of British thermal units of  
2 energy produced by the combustion of 1 gallon  
3 of pure ethanol (as measured under conditions  
4 determined by the Secretary to be comparable  
5 to conditions described in subparagraph (A)).

6 (3) TRANSITIONAL ENERGY-RELATED CONVER-  
7 SION FACTORS FOR CELLULOSIC BIOMASS ETH-  
8 ANOL.—For any of calendar years 2008 through  
9 2015, 1 gallon of cellulosic biomass ethanol shall be  
10 considered to be the equivalent of 2.5 gallons of re-  
11 newable fuel.

12 (d) CREDIT PROGRAM.—

13 (1) IN GENERAL.—The President, in consulta-  
14 tion with the Secretary and the Administrator of the  
15 Environmental Protection Agency, shall implement a  
16 credit program to manage the renewable fuel re-  
17 quirement of this section in a manner consistent  
18 with the credit program established by the amend-  
19 ment made by section 1501(a)(2) of the Energy Pol-  
20 icy Act of 2005 (Public Law 109–58; 119 Stat.  
21 1067).

22 (2) MARKET TRANSPARENCY.—In carrying out  
23 the credit program under this subsection, the Presi-  
24 dent shall facilitate price transparency in markets  
25 for the sale and trade of credits, with due regard for

1 the public interest, the integrity of those markets,  
2 fair competition, and the protection of consumers  
3 and agricultural producers.

4 (e) SEASONAL VARIATIONS IN RENEWABLE FUEL  
5 USE.—

6 (1) STUDY.—For each of calendar years 2008  
7 through 2022, the Administrator of the Energy In-  
8 formation Administration shall conduct a study of  
9 renewable fuel blending to determine whether there  
10 are excessive seasonal variations in the use of renew-  
11 able fuel.

12 (2) REGULATION OF EXCESSIVE SEASONAL  
13 VARIATIONS.—If, for any calendar year, the Admin-  
14 istrator of the Energy Information Administration,  
15 based on the study under paragraph (1), makes the  
16 determinations specified in paragraph (3), the Presi-  
17 dent shall promulgate regulations to ensure that 25  
18 percent or more of the quantity of renewable fuel  
19 necessary to meet the requirements of subsection (a)  
20 is used during each of the 2 periods specified in  
21 paragraph (4) of each subsequent calendar year.

22 (3) DETERMINATIONS.—The determinations re-  
23 ferred to in paragraph (2) are that—

24 (A) less than 25 percent of the quantity of  
25 renewable fuel necessary to meet the require-

1           ments of subsection (a) has been used during 1  
2           of the 2 periods specified in paragraph (4) of  
3           the calendar year;

4           (B) a pattern of excessive seasonal vari-  
5           ation described in subparagraph (A) will con-  
6           tinue in subsequent calendar years; and

7           (C) promulgating regulations or other re-  
8           quirements to impose a 25 percent or more sea-  
9           sonal use of renewable fuels will not signifi-  
10          cantly—

11                   (i) increase the price of motor fuels to  
12                   the consumer; or

13                   (ii) prevent or interfere with the at-  
14                   tainment of national ambient air quality  
15                   standards.

16          (4) PERIODS.—The 2 periods referred to in this  
17          subsection are—

18                   (A) April through September; and

19                   (B) January through March and October  
20                   through December.

21          (f) WAIVERS.—

22                   (1) IN GENERAL.—The President, in consulta-  
23                   tion with the Secretary of Energy, the Secretary of  
24                   Agriculture, and the Administrator of the Environ-  
25                   mental Protection Agency, may waive the require-

1       ments of subsection (a) in whole or in part on peti-  
2       tion by one or more States by reducing the national  
3       quantity of renewable fuel required under subsection  
4       (a), based on a determination by the President  
5       (after public notice and opportunity for comment),  
6       that—

7               (A) implementation of the requirement  
8               would severely harm the economy or environ-  
9               ment of a State, a region, or the United States;  
10              or

11              (B) extreme and unusual circumstances  
12              exist that prevent distribution of an adequate  
13              supply of domestically-produced renewable fuel  
14              to consumers in the United States.

15       (2) PETITIONS FOR WAIVERS.—The President,  
16       in consultation with the Secretary of Energy, the  
17       Secretary of Agriculture, and the Administrator of  
18       the Environmental Protection Agency, shall approve  
19       or disapprove a State petition for a waiver of the re-  
20       quirements of subsection (a) within 90 days after  
21       the date on which the petition is received by the  
22       President.

23       (3) TERMINATION OF WAIVERS.—A waiver  
24       granted under paragraph (1) shall terminate after 1  
25       year, but may be renewed by the President after

1 consultation with the Secretary of Energy, the Sec-  
2 retary of Agriculture, and the Administrator of the  
3 Environmental Protection Agency.

4 (4) REPORT TO CONGRESS.—If the Secretary  
5 makes a determination under paragraph (1)(B) that  
6 railroad transportation of domestically-produced re-  
7 newable fuel is inadequate, based on either the serv-  
8 ice provided by, or the price of, the railroad trans-  
9 portation, the President shall submit to Congress a  
10 report that describes—

11 (A) the actions the Federal Government is  
12 taking, or will take, to address the inadequacy,  
13 including a description of the specific powers of  
14 the applicable Federal agencies; and

15 (B) if the President finds that there are  
16 inadequate Federal powers to address the rail-  
17 road service or pricing inadequacies, rec-  
18 ommendations for legislation to provide appro-  
19 priate powers to Federal agencies to address  
20 the inadequacies.

21 (g) SMALL REFINERIES.—

22 (1) TEMPORARY EXEMPTION.—

23 (A) IN GENERAL.—The requirements of  
24 subsection (a) shall not apply to—

1 (i) small refineries (other than a small  
2 refinery described in clause (ii)) until cal-  
3 endar year 2013; and

4 (ii) small refineries owned by a small  
5 business refiner (as defined in section  
6 45H(c) of the Internal Revenue Code of  
7 1986) until calendar year 2015.

8 (B) EXTENSION OF EXEMPTION.—

9 (i) STUDY BY SECRETARY.—Not later  
10 than December 31, 2008, the Secretary  
11 shall submit to the President and Congress  
12 a report describing the results of a study  
13 to determine whether compliance with the  
14 requirements of subsection (a) would im-  
15 pose a disproportionate economic hardship  
16 on small refineries.

17 (ii) EXTENSION OF EXEMPTION.—In  
18 the case of a small refinery that the Sec-  
19 retary determines under clause (i) would  
20 be subject to a disproportionate economic  
21 hardship if required to comply with sub-  
22 section (a), the President shall extend the  
23 exemption under subparagraph (A) for the  
24 small refinery for a period of not less than  
25 2 additional years.

1           (2) PETITIONS BASED ON DISPROPORTIONATE  
2 ECONOMIC HARDSHIP.—

3           (A) EXTENSION OF EXEMPTION.—A small  
4 refinery may at any time petition the President  
5 for an extension of the exemption under para-  
6 graph (1) for the reason of disproportionate  
7 economic hardship.

8           (B) EVALUATION OF PETITIONS.—In eval-  
9 uating a petition under subparagraph (A), the  
10 President, in consultation with the Secretary,  
11 shall consider the findings of the study under  
12 paragraph (1)(B) and other economic factors.

13           (C) DEADLINE FOR ACTION ON PETI-  
14 TIONS.—The President shall act on any petition  
15 submitted by a small refinery for a hardship ex-  
16 emption not later than 90 days after the date  
17 of receipt of the petition.

18           (3) OPT-IN FOR SMALL REFINERIES.—A small  
19 refinery shall be subject to the requirements of sub-  
20 section (a) if the small refinery notifies the Presi-  
21 dent that the small refinery waives the exemption  
22 under paragraph (1).

23           (h) PENALTIES AND ENFORCEMENT.—

24           (1) CIVIL PENALTIES.—

1 (A) IN GENERAL.—Any person that vio-  
2 lates a regulation promulgated under subsection  
3 (a), or that fails to furnish any information re-  
4 quired under such a regulation, shall be liable  
5 to the United States for a civil penalty of not  
6 more than the total of—

7 (i) \$25,000 for each day of the viola-  
8 tion; and

9 (ii) the amount of economic benefit or  
10 savings received by the person resulting  
11 from the violation, as determined by the  
12 President.

13 (B) COLLECTION.—Civil penalties under  
14 subparagraph (A) shall be assessed by, and col-  
15 lected in a civil action brought by, the Secretary  
16 or such other officer of the United States as is  
17 designated by the President.

18 (2) INJUNCTIVE AUTHORITY.—

19 (A) IN GENERAL.—The district courts of  
20 the United States shall have jurisdiction to—

21 (i) restrain a violation of a regulation  
22 promulgated under subsection (a);

23 (ii) award other appropriate relief;  
24 and

1 (iii) compel the furnishing of informa-  
2 tion required under the regulation.

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

7 (C) SUBPOENAS.—In the action, a sub-  
8 poena for a witness who is required to attend  
9 a district court in any district may apply in any  
10 other district.

11 (i) VOLUNTARY LABELING PROGRAM.—

12 (1) IN GENERAL.—The President shall establish  
13 criteria for a system of voluntary labeling of renew-  
14 able fuels based on life cycle greenhouse gas emis-  
15 sions.

16 (2) CONSUMER EDUCATION.—The President  
17 shall ensure that the labeling system under this sub-  
18 section provides useful information to consumers  
19 making fuel purchases.

20 (3) FLEXIBILITY.—In carrying out this sub-  
21 section, the President may establish more than 1  
22 label, as appropriate.

23 (j) EFFECTIVE DATE.—Except as otherwise specifi-  
24 cally provided in this section, this section takes effect on  
25 January 1, 2008.

1 **SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RE-**  
2 **NEWABLE ENERGY.**

3 (a) DEFINITIONS.—In this section:

4 (1) FACILITY.—The term “facility” means a fa-  
5 cility used for the production of renewable fuel.

6 (2) RENEWABLE ENERGY.—

7 (A) IN GENERAL.—The term “renewable  
8 energy” has the meaning given the term in sec-  
9 tion 203(b) of the Energy Policy Act of 2005  
10 (42 U.S.C. 15852(b)).

11 (B) INCLUSION.—The term “renewable en-  
12 ergy” includes biogas produced through the  
13 conversion of organic matter from renewable  
14 biomass.

15 (b) ADDITIONAL CREDIT.—

16 (1) IN GENERAL.—The President shall provide  
17 a credit under the program established under section  
18 111(d) to the owner of a facility that uses renewable  
19 energy to displace more than 90 percent of the fossil  
20 fuel normally used in the production of renewable  
21 fuel.

22 (2) CREDIT AMOUNT.—The President may pro-  
23 vide the credit in a quantity that is not more than  
24 the equivalent of 1.5 gallons of renewable fuel for  
25 each gallon of renewable fuel produced in a facility  
26 described in paragraph (1).

1           **Subtitle B—Renewable Fuels**  
2                           **Infrastructure**

3   **SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEW-**  
4                           **ABLE FUELS.**

5           (a) IN GENERAL.—The Secretary, in consultation  
6 with the Secretary of Transportation and the Adminis-  
7 trator of the Environmental Protection Agency, shall es-  
8 tablish a competitive grant pilot program (referred to in  
9 this section as the “pilot program”), to be administered  
10 through the Vehicle Technology Deployment Program of  
11 the Department of Energy, to provide not more than 10  
12 geographically-dispersed project grants to State govern-  
13 ments, Indian tribal governments, local governments, met-  
14 ropolitan transportation authorities, or partnerships of  
15 those entities to carry out 1 or more projects for the pur-  
16 poses described in subsection (b).

17           (b) GRANT PURPOSES.—A grant under this section  
18 shall be used for the establishment of refueling infrastruc-  
19 ture corridors, as designated by the Secretary, for gasoline  
20 blends that contain not less than 11 percent, and not more  
21 than 85 percent, renewable fuel or diesel fuel that contains  
22 at least 10 percent renewable fuel, including—

23                   (1) installation of infrastructure and equipment  
24                   necessary to ensure adequate distribution of renew-  
25                   able fuels within the corridor;

1           (2) installation of infrastructure and equipment  
2           necessary to directly support vehicles powered by re-  
3           newable fuels; and

4           (3) operation and maintenance of infrastructure  
5           and equipment installed as part of a project funded  
6           by the grant.

7           (c) APPLICATIONS.—

8           (1) REQUIREMENTS.—

9           (A) IN GENERAL.—Subject to subpara-  
10          graph (B), not later than 90 days after the date  
11          of enactment of this Act, the Secretary shall  
12          issue requirements for use in applying for  
13          grants under the pilot program.

14          (B) MINIMUM REQUIREMENTS.—At a min-  
15          imum, the Secretary shall require that an appli-  
16          cation for a grant under this section—

17                   (i) be submitted by—

18                           (I) the head of a State, tribal, or  
19                           local government or a metropolitan  
20                           transportation authority, or any com-  
21                           bination of those entities; and

22                           (II) a registered participant in  
23                           the Vehicle Technology Deployment  
24                           Program of the Department of En-  
25                           ergy; and

1 (ii) include—

2 (I) a description of the project  
3 proposed in the application, including  
4 the ways in which the project meets  
5 the requirements of this section;

6 (II) an estimate of the degree of  
7 use of the project, including the esti-  
8 mated size of fleet of vehicles operated  
9 with renewable fuel available within  
10 the geographic region of the corridor,  
11 measured as a total quantity and a  
12 percentage;

13 (III) an estimate of the potential  
14 petroleum displaced as a result of the  
15 project (measured as a total quantity  
16 and a percentage), and a plan to col-  
17 lect and disseminate petroleum dis-  
18 placement and other relevant data re-  
19 lating to the project to be funded  
20 under the grant, over the expected life  
21 of the project;

22 (IV) a description of the means  
23 by which the project will be sustain-  
24 able without Federal assistance after

1 the completion of the term of the  
2 grant;

3 (V) a complete description of the  
4 costs of the project, including acquisi-  
5 tion, construction, operation, and  
6 maintenance costs over the expected  
7 life of the project; and

8 (VI) a description of which costs  
9 of the project will be supported by  
10 Federal assistance under this sub-  
11 section.

12 (2) PARTNERS.—An applicant under paragraph  
13 (1) may carry out a project under the pilot program  
14 in partnership with public and private entities.

15 (d) SELECTION CRITERIA.—In evaluating applica-  
16 tions under the pilot program, the Secretary shall—

17 (1) consider the experience of each applicant  
18 with previous, similar projects; and

19 (2) give priority consideration to applications  
20 that—

21 (A) are most likely to maximize displace-  
22 ment of petroleum consumption, measured as a  
23 total quantity and a percentage;

1 (B) are best able to incorporate existing  
2 infrastructure while maximizing, to the extent  
3 practicable, the use of advanced biofuels;

4 (C) demonstrate the greatest commitment  
5 on the part of the applicant to ensure funding  
6 for the proposed project and the greatest likeli-  
7 hood that the project will be maintained or ex-  
8 panded after Federal assistance under this sub-  
9 section is completed;

10 (D) represent a partnership of public and  
11 private entities; and

12 (E) exceed the minimum requirements of  
13 subsection (c)(1)(B).

14 (e) PILOT PROJECT REQUIREMENTS.—

15 (1) MAXIMUM AMOUNT.—The Secretary shall  
16 provide not more than \$20,000,000 in Federal as-  
17 sistance under the pilot program to any applicant.

18 (2) COST SHARING.—The non-Federal share of  
19 the cost of any activity relating to renewable fuel in-  
20 frastructure development carried out using funds  
21 from a grant under this section shall be not less  
22 than 20 percent.

23 (3) MAXIMUM PERIOD OF GRANTS.—The Sec-  
24 retary shall not provide funds to any applicant under  
25 the pilot program for more than 2 years.

1           (4) DEPLOYMENT AND DISTRIBUTION.—The  
2 Secretary shall seek, to the maximum extent prac-  
3 ticable, to ensure a broad geographic distribution of  
4 project sites funded by grants under this section.

5           (5) TRANSFER OF INFORMATION AND KNOWL-  
6 EDGE.—The Secretary shall establish mechanisms to  
7 ensure that the information and knowledge gained  
8 by participants in the pilot program are transferred  
9 among the pilot program participants and to other  
10 interested parties, including other applicants that  
11 submitted applications.

12       (f) SCHEDULE.—

13           (1) INITIAL GRANTS.—

14           (A) IN GENERAL.—Not later than 90 days  
15 after the date of enactment of this Act, the Sec-  
16 retary shall publish in the Federal Register,  
17 Commerce Business Daily, and such other pub-  
18 lications as the Secretary considers to be appro-  
19 priate, a notice and request for applications to  
20 carry out projects under the pilot program.

21           (B) DEADLINE.—An application described  
22 in subparagraph (A) shall be submitted to the  
23 Secretary by not later than 180 days after the  
24 date of publication of the notice under that sub-  
25 paragraph.

1           (C) INITIAL SELECTION.—Not later than  
2           90 days after the date by which applications for  
3           grants are due under subparagraph (B), the  
4           Secretary shall select by competitive, peer-re-  
5           viewed proposal up to 5 applications for  
6           projects to be awarded a grant under the pilot  
7           program.

8           (2) ADDITIONAL GRANTS.—

9           (A) IN GENERAL.—Not later than 2 years  
10          after the date of enactment of this Act, the Sec-  
11          retary shall publish in the Federal Register,  
12          Commerce Business Daily, and such other pub-  
13          lications as the Secretary considers to be appro-  
14          priate, a notice and request for additional appli-  
15          cations to carry out projects under the pilot  
16          program that incorporate the information and  
17          knowledge obtained through the implementation  
18          of the first round of projects authorized under  
19          the pilot program.

20          (B) DEADLINE.—An application described  
21          in subparagraph (A) shall be submitted to the  
22          Secretary by not later than 180 days after the  
23          date of publication of the notice under that sub-  
24          paragraph.

1           (C) INITIAL SELECTION.—Not later than  
2           90 days after the date by which applications for  
3           grants are due under subparagraph (B), the  
4           Secretary shall select by competitive, peer-re-  
5           viewed proposal such additional applications for  
6           projects to be awarded a grant under the pilot  
7           program as the Secretary determines to be ap-  
8           propriate.

9           (g) REPORTS TO CONGRESS.—

10           (1) INITIAL REPORT.—Not later than 60 days  
11           after the date on which grants are awarded under  
12           this section, the Secretary shall submit to Congress  
13           a report containing—

14                   (A) an identification of the grant recipients  
15                   and a description of the projects to be funded  
16                   under the pilot program;

17                   (B) an identification of other applicants  
18                   that submitted applications for the pilot pro-  
19                   gram but to which funding was not provided;  
20                   and

21                   (C) a description of the mechanisms used  
22                   by the Secretary to ensure that the information  
23                   and knowledge gained by participants in the  
24                   pilot program are transferred among the pilot  
25                   program participants and to other interested

1 parties, including other applicants that sub-  
2 mitted applications.

3 (2) EVALUATION.—Not later than 2 years after  
4 the date of enactment of this Act, and annually  
5 thereafter until the termination of the pilot program,  
6 the Secretary shall submit to Congress a report con-  
7 taining an evaluation of the effectiveness of the pilot  
8 program, including an assessment of the petroleum  
9 displacement and benefits to the environment de-  
10 rived from the projects included in the pilot pro-  
11 gram.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to the Secretary to carry  
14 out this section \$200,000,000, to remain available until  
15 expended.

16 **SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.**

17 Section 931(c) of the Energy Policy Act of 2005 (42  
18 U.S.C. 16231(c)) is amended—

19 (1) in paragraph (2), by striking  
20 “\$251,000,000” and inserting “\$377,000,000”; and

21 (2) in paragraph (3), by striking  
22 “\$274,000,000” and inserting “\$398,000,000”.

1 **SEC. 123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY**  
2 **PROGRAM.**

3 Section 977(a)(1) of the Energy Policy Act of 2005  
4 (42 U.S.C. 16317(a)(1)) is amended by inserting before  
5 the period at the end the following: “, including the estab-  
6 lishment of at least 11 bioresearch centers of varying  
7 sizes, as appropriate, that focus on biofuels, of which at  
8 least 2 centers shall be located in each of the 4 Petroleum  
9 Administration for Defense Districts with no subdistricts  
10 and 1 center shall be located in each of the subdistricts  
11 of the Petroleum Administration for Defense District with  
12 subdistricts”.

13 **SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FA-**  
14 **CILITIES.**

15 (a) IN GENERAL.—Section 1703 of the Energy Policy  
16 Act of 2005 (42 U.S.C. 16513) is amended by adding at  
17 the end the following:

18 “(f) RENEWABLE FUEL FACILITIES.—

19 “(1) IN GENERAL.—The Secretary may make  
20 guarantees under this title for projects that produce  
21 advanced biofuel (as defined in section 102 of the  
22 Biofuels for Energy Security and Transportation  
23 Act of 2007).

24 “(2) REQUIREMENTS.—A project under this  
25 subsection shall employ new or significantly im-  
26 proved technologies for the production of renewable

1 fuels as compared to commercial technologies in  
2 service in the United States at the time that the  
3 guarantee is issued.

4 “(3) ISSUANCE OF FIRST LOAN GUARANTEES.—  
5 The requirement of section 20320(b) of division B  
6 of the Continuing Appropriations Resolution, 2007  
7 (Public Law 109–289, Public Law 110–5), relating  
8 to the issuance of final regulations, shall not apply  
9 to the first 6 guarantees issued under this sub-  
10 section.

11 “(4) PROJECT DESIGN.—A project for which a  
12 guarantee is made under this subsection shall have  
13 a project design that has been validated through the  
14 operation of a continuous process pilot facility with  
15 an annual output of at least 50,000 gallons of eth-  
16 anol or the energy equivalent volume of other ad-  
17 vanced biofuels.

18 “(5) MAXIMUM GUARANTEED PRINCIPAL.—The  
19 total principal amount of a loan guaranteed under  
20 this subsection may not exceed \$250,000,000 for a  
21 single facility.

22 “(6) AMOUNT OF GUARANTEE.—The Secretary  
23 shall guarantee 100 percent of the principal and in-  
24 terest due on 1 or more loans made for a facility

1 that is the subject of the guarantee under paragraph  
2 (3).

3 “(7) DEADLINE.—The Secretary shall approve  
4 or disapprove an application for a guarantee under  
5 this subsection not later than 90 days after the date  
6 of receipt of the application.

7 “(8) REPORT.—Not later than 30 days after  
8 approving or disapproving an application under  
9 paragraph (7), the Secretary shall submit to Con-  
10 gress a report on the approval or disapproval (in-  
11 cluding the reasons for the action).”.

12 (b) IMPROVEMENTS TO UNDERLYING LOAN GUAR-  
13 ANTEE AUTHORITY.—

14 (1) DEFINITION OF COMMERCIAL TECH-  
15 NOLOGY.—Section 1701(1) of the Energy Policy Act  
16 of 2005 (42 U.S.C. 16511(1)) is amended by strik-  
17 ing subparagraph (B) and inserting the following:

18 “(B) EXCLUSION.—The term ‘commercial  
19 technology’ does not include a technology if the  
20 sole use of the technology is in connection  
21 with—

22 “(i) a demonstration plant; or

23 “(ii) a project for which the Secretary  
24 approved a loan guarantee.”.

1           (2) SPECIFIC APPROPRIATION OR CONTRIBU-  
2           TION.—Section 1702 of the Energy Policy Act of  
3           2005 (42 U.S.C. 16512) is amended by striking sub-  
4           section (b) and inserting the following:

5           “(b) SPECIFIC APPROPRIATION OR CONTRIBU-  
6           TION.—

7           “(1) IN GENERAL.—No guarantee shall be  
8           made unless—

9                   “(A) an appropriation for the cost has  
10           been made; or

11                   “(B) the Secretary has received from the  
12           borrower a payment in full for the cost of the  
13           obligation and deposited the payment into the  
14           Treasury.

15           “(2) LIMITATION.—The source of payments re-  
16           ceived from a borrower under paragraph (1)(B) shall  
17           not be a loan or other debt obligation that is made  
18           or guaranteed by the Federal Government.

19           “(3) RELATION TO OTHER LAWS.—Section  
20           504(b) of the Federal Credit Reform Act of 1990 (2  
21           U.S.C. 661c(b)) shall not apply to a loan or loan  
22           guarantee made in accordance with paragraph  
23           (1)(B).”.

1           (3) AMOUNT.—Section 1702 of the Energy Pol-  
2           icy Act of 2005 (42 U.S.C. 16512) is amended by  
3           striking subsection (c) and inserting the following:

4           “(c) AMOUNT.—

5           “(1) IN GENERAL.—Subject to paragraph (2),  
6           the Secretary shall guarantee up to 100 percent of  
7           the principal and interest due on 1 or more loans for  
8           a facility that are the subject of the guarantee.

9           “(2) LIMITATION.—The total amount of loans  
10          guaranteed for a facility by the Secretary shall not  
11          exceed 80 percent of the total cost of the facility, as  
12          estimated at the time at which the guarantee is  
13          issued.”.

14          (4) SUBROGATION.—Section 1702(g)(2) of the  
15          Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2))  
16          is amended—

17                 (A) by striking subparagraph (B); and

18                 (B) by redesignating subparagraph (C) as  
19          subparagraph (B).

20          (5) FEES.—Section 1702(h) of the Energy Pol-  
21          icy Act of 2005 (42 U.S.C. 16512(h)) is amended by  
22          striking paragraph (2) and inserting the following:

23                 “(2) AVAILABILITY.—Fees collected under this  
24          subsection shall—

1           “(A) be deposited by the Secretary into a  
 2           special fund in the Treasury to be known as the  
 3           ‘Incentives For Innovative Technologies Fund’;  
 4           and

5           “(B) remain available to the Secretary for  
 6           expenditure, without further appropriation or  
 7           fiscal year limitation, for administrative ex-  
 8           penses incurred in carrying out this title.”.

9   **SEC. 125. GRANTS FOR RENEWABLE FUEL PRODUCTION RE-**  
 10                   **SEARCH AND DEVELOPMENT IN CERTAIN**  
 11                   **STATES.**

12       (a) IN GENERAL.—The Secretary shall provide  
 13       grants to eligible entities to conduct research into, and de-  
 14       velop and implement, renewable fuel production tech-  
 15       nologies in States with low rates of ethanol production,  
 16       including low rates of production of cellulosic biomass eth-  
 17       anol, as determined by the Secretary.

18       (b) ELIGIBILITY.—To be eligible to receive a grant  
 19       under the section, an entity shall—

20           (1)(A) be an institution of higher education (as  
 21           defined in section 2 of the Energy Policy Act of  
 22           2005 (42 U.S.C. 15801)) located in a State de-  
 23           scribed in subsection (a);

24           (B) be an institution—

1 (i) referred to in section 532 of the Equity  
2 in Educational Land-Grant Status Act of 1994  
3 (Public Law 103–382; 7 U.S.C. 301 note);

4 (ii) that is eligible for a grant under the  
5 Tribally Controlled College or University Assist-  
6 ance Act of 1978 (25 U.S.C. 1801 et seq.), in-  
7 cluding Diné College; or

8 (iii) that is eligible for a grant under the  
9 Navajo Community College Act (25 U.S.C.  
10 640a et seq.); or

11 (C) be a consortium of such institutions of  
12 higher education, industry, State agencies, Indian  
13 tribal agencies, or local government agencies located  
14 in the State; and

15 (2) have proven experience and capabilities with  
16 relevant technologies.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$25,000,000 for each of fiscal years 2008 through 2010.

20 **SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPOR-**  
21 **TATION OF BIOMASS TO LOCAL BIOREFIN-**  
22 **ERIES.**

23 (a) IN GENERAL.—The Secretary shall conduct a  
24 program under which the Secretary shall provide grants  
25 to Indian tribal and local governments and other eligible

1 entities (as determined by the Secretary) (referred to in  
2 this section as “eligible entities”) to promote the develop-  
3 ment of infrastructure to support the separation, produc-  
4 tion, processing, and transportation of biomass to local  
5 biorefineries.

6 (b) PHASES.—The Secretary shall conduct the pro-  
7 gram in the following phases:

8 (1) DEVELOPMENT.—In the first phase of the  
9 program, the Secretary shall make grants to eligible  
10 entities to assist the eligible entities in the develop-  
11 ment of local projects to promote the development of  
12 infrastructure to support the separation, production,  
13 processing, and transportation of biomass to local  
14 biorefineries.

15 (2) IMPLEMENTATION.—In the second phase of  
16 the program, the Secretary shall make competitive  
17 grants to eligible entities to implement projects de-  
18 veloped under paragraph (1).

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated such sums as are nec-  
21 essary to carry out this section.

22 **SEC. 127. BIOREFINERY INFORMATION CENTER.**

23 (a) IN GENERAL.—The Secretary, in cooperation  
24 with the Secretary of Agriculture, shall establish a bio-

1 refinery information center to make available to interested  
2 parties information on—

- 3 (1) renewable fuel resources, including informa-  
4 tion on programs and incentives for renewable fuels;
- 5 (2) renewable fuel producers;
- 6 (3) renewable fuel users; and
- 7 (4) potential renewable fuel users.

8 (b) ADMINISTRATION.—In administering the bio-  
9 refinery information center, the Secretary shall—

- 10 (1) continually update information provided by  
11 the center;
- 12 (2) make information available to interested  
13 parties on the process for establishing a biorefinery;  
14 and
- 15 (3) make information and assistance provided  
16 by the center available through a toll-free telephone  
17 number and website.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated such sums as are nec-  
20 essary to carry out this section.

21 **SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.**

22 The Secretary and the Director of the National Insti-  
23 tute of Standards and Technology shall jointly establish  
24 and make available to the public—

1           (1) a database that describes the physical prop-  
2           erties of different types of alternative fuel; and

3           (2) standard reference materials for different  
4           types of alternative fuel.

5 **SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.**

6           Section 406(a) of the Energy Policy Act of 1992 (42  
7 U.S.C. 13232(a)) is amended—

8           (1) by striking “The Federal Trade Commis-  
9           sion” and inserting the following:

10           “(1) IN GENERAL.—The Federal Trade Com-  
11           mission”; and

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

13           “(2) FUEL TANK CAP LABELING REQUIRE-  
14           MENT.—Beginning with model year 2010, the fuel  
15           tank cap of each alternative fueled vehicle manufac-  
16           tured for sale in the United States shall be clearly  
17           labeled to inform consumers that such vehicle can  
18           operate on alternative fuel.”.

19 **SEC. 130. BIODIESEL.**

20           (a) IN GENERAL.—Not later than 180 days after the  
21           date of enactment of this Act, the Secretary shall submit  
22           to Congress a report on any research and development  
23           challenges inherent in increasing to 5 percent the propor-  
24           tion of diesel fuel sold in the United States that is bio-

1 diesel (as defined in section 757 of the Energy Policy Act  
2 of 2005 (42 U.S.C. 16105)).

3 (b) REGULATIONS.—The President shall promulgate  
4 regulations providing for the uniform labeling of biodiesel  
5 blends that are certified to meet applicable standards pub-  
6 lished by the American Society for Testing and Materials.

7 (c) NATIONAL BIODIESEL FUEL QUALITY STAND-  
8 ARD.—

9 (1) QUALITY REGULATIONS.—Within 180 days  
10 following the date of enactment of this Act, the  
11 President shall promulgate regulations to ensure  
12 that only biodiesel that is tested and certified to  
13 comply with the American Society for Testing and  
14 Materials (ASTM) 6751 standard is introduced into  
15 interstate commerce.

16 (2) ENFORCEMENT.—The President shall en-  
17 sure that all biodiesel entering interstate commerce  
18 meets the requirements of paragraph (1).

19 (3) FUNDING.—There are authorized to be ap-  
20 propriated to the President to carry out this section:

21 (A) \$3,000,000 for fiscal year 2008.

22 (B) \$3,000,000 for fiscal year 2009.

23 (C) \$3,000,000 for fiscal year 2010.

## Subtitle C—Studies

### 2 SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

3 (a) IN GENERAL.—Not later than October 1, 2012,  
4 the Secretary shall offer to enter into a contract with the  
5 National Academy of Sciences under which the Academy  
6 shall conduct a study of technologies relating to the pro-  
7 duction, transportation, and distribution of advanced  
8 biofuels.

9 (b) SCOPE.—In conducting the study, the Academy  
10 shall—

11 (1) include an assessment of the maturity of  
12 advanced biofuels technologies;

13 (2) consider whether the rate of development of  
14 those technologies will be sufficient to meet the ad-  
15 vanced biofuel standards required under section 111;

16 (3) consider the effectiveness of the research  
17 and development programs and activities of the De-  
18 partment of Energy relating to advanced biofuel  
19 technologies; and

20 (4) make policy recommendations to accelerate  
21 the development of those technologies to commercial  
22 viability, as appropriate.

23 (c) REPORT.—Not later than November 30, 2014,  
24 the Secretary shall submit to the Committee on Energy  
25 and Natural Resources of the Senate and the Committee

1 on Energy and Commerce of the House of Representatives  
2 a report describing the results of the study conducted  
3 under this section.

4 **SEC. 142. STUDY OF INCREASED CONSUMPTION OF ETH-**  
5 **ANOL-BLENDED GASOLINE WITH HIGHER**  
6 **LEVELS OF ETHANOL.**

7 (a) IN GENERAL.—The Secretary, in cooperation  
8 with the Secretary of Agriculture, the Administrator of the  
9 Environmental Protection Agency, and the Secretary of  
10 Transportation, and after providing notice and an oppor-  
11 tunity for public comment, shall conduct a study of the  
12 feasibility of increasing consumption in the United States  
13 of ethanol-blended gasoline with levels of ethanol that are  
14 not less than 10 percent and not more than 40 percent.

15 (b) STUDY.—The study under subsection (a) shall in-  
16 clude—

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

19 (2) an evaluation of the economic, market, and  
20 energy-related impacts of State and regional dif-  
21 ferences in ethanol blends;

22 (3) an evaluation of the economic, market, and  
23 energy-related impacts on gasoline retailers and con-  
24 sumers of separate and distinctly labeled fuel stor-  
25 age facilities and dispensers;

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

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

9           (6) an evaluation of the safety impacts of mid-  
10 level ethanol blends on consumers that own and op-  
11 erate off-road and marine engines, recreational  
12 boats, vehicles, or equipment.

13       (c) REPORT.—Not later than 1 year after the date  
14 of enactment of this Act, the Secretary shall submit to  
15 Congress a report describing the results of the study con-  
16 ducted under this section.

17 **SEC. 143. PIPELINE FEASIBILITY STUDY.**

18       (a) IN GENERAL.—The Secretary, in coordination  
19 with the Secretary of Agriculture and the Secretary of  
20 Transportation, shall conduct a study of the feasibility of  
21 the construction of dedicated ethanol pipelines.

22       (b) FACTORS.—In conducting the study, the Sec-  
23 retary shall consider—

24           (1) the quantity of ethanol production that  
25 would make dedicated pipelines economically viable;

1           (2) existing or potential barriers to dedicated  
2 ethanol pipelines, including technical, siting, financ-  
3 ing, and regulatory barriers;

4           (3) market risk (including throughput risk) and  
5 means of mitigating the risk;

6           (4) regulatory, financing, and siting options  
7 that would mitigate risk in those areas and help en-  
8 sure the construction of 1 or more dedicated ethanol  
9 pipelines;

10          (5) financial incentives that may be necessary  
11 for the construction of dedicated ethanol pipelines,  
12 including the return on equity that sponsors of the  
13 initial dedicated ethanol pipelines will require to in-  
14 vest in the pipelines;

15          (6) technical factors that may compromise the  
16 safe transportation of ethanol in pipelines, identi-  
17 fying remedial and preventative measures to ensure  
18 pipeline integrity; and

19          (7) such other factors as the Secretary con-  
20 siders appropriate.

21       (c) REPORT.—Not later than 15 months after the  
22 date of enactment of this Act, the Secretary shall submit  
23 to Congress a report describing the results of the study  
24 conducted under this section.

1 **SEC. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED**  
2 **VEHICLES TO USE E-85 FUEL.**

3 (a) IN GENERAL.—The Secretary shall conduct a  
4 study of methods of increasing the fuel efficiency of flexi-  
5 ble fueled vehicles by optimizing flexible fueled vehicles to  
6 operate using E-85 fuel.

7 (b) REPORT.—Not later than 180 days after the date  
8 of enactment of this Act, the Secretary shall submit to  
9 the Committee on Energy and Natural Resources of the  
10 Senate and the Committee on Natural Resources of the  
11 House of Representatives a report that describes the re-  
12 sults of the study, including any recommendations of the  
13 Secretary.

14 **SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE**  
15 **ELECTRICITY IN ELECTRIC VEHICLES.**

16 (a) DEFINITION OF ELECTRIC VEHICLE.—In this  
17 section, the term “electric vehicle” means an electric  
18 motor vehicle (as defined in section 601 of the Energy Pol-  
19 icy Act of 1992 (42 U.S.C. 13271)) for which the re-  
20 chargeable storage battery—

21 (1) receives a charge directly from a source of  
22 electric current that is external to the vehicle; and

23 (2) provides a minimum of 80 percent of the  
24 motive power of the vehicle.

25 (b) STUDY.—The Secretary shall conduct a study on  
26 the feasibility of issuing credits under the program estab-

1 lished under section 111(d) to electric vehicles powered by  
2 electricity produced from renewable energy sources.

3 (c) REPORT.—Not later than 18 months after the  
4 date of enactment of this Act, the Secretary shall submit  
5 to the Committee on Energy and Natural Resources of  
6 the Senate and the Committee on Energy and Commerce  
7 of the House of Representatives a report that describes  
8 the results of the study, including a description of—

9 (1) existing programs and studies on the use of  
10 renewable electricity as a means of powering electric  
11 vehicles; and

12 (2) alternatives for—

13 (A) designing a pilot program to determine  
14 the feasibility of using renewable electricity to  
15 power electric vehicles as an adjunct to a re-  
16 newable fuels mandate;

17 (B) allowing the use, under the pilot pro-  
18 gram designed under subparagraph (A), of elec-  
19 tricity generated from nuclear energy as an ad-  
20 ditional source of supply;

21 (C) identifying the source of electricity  
22 used to power electric vehicles; and

23 (D) equating specific quantities of elec-  
24 tricity to quantities of renewable fuel under sec-  
25 tion 111(d).

1 **SEC. 146. STUDY OF ENGINE DURABILITY ASSOCIATED**  
2 **WITH THE USE OF BIODIESEL.**

3 (a) IN GENERAL.—Not later than 30 days after the  
4 date of enactment of this Act, the Secretary shall initiate  
5 a study on the effects of the use of biodiesel on engine  
6 durability.

7 (b) COMPONENTS.—The study under this section  
8 shall include—

9 (1) an assessment of whether the use of bio-  
10 diesel in conventional diesel engines lessens engine  
11 durability; and

12 (2) an assessment of the effects referred to in  
13 subsection (a) with respect to biodiesel blends at  
14 varying concentrations, including—

15 (A) B5;

16 (B) B10;

17 (C) B20; and

18 (D) B30.

19 **SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.**

20 (a) STUDY.—The President shall conduct a study of  
21 the renewable fuels industry and markets in the United  
22 States, including—

23 (1) the costs to produce conventional and ad-  
24 vanced biofuels;



1           (2) methods for performing simplified, stream-  
2           lined lifecycle analyses of the fossil and renewable  
3           carbon content of biofuels.

4           (b) REPORT.—Not later than 1 year after the date  
5 of enactment of this Act, the Secretary shall submit to  
6 the Committee on Energy and Natural Resources of the  
7 Senate and the Committee on Energy and Commerce of  
8 the House of Representatives a report that describes the  
9 results of the study under subsection (a), including rec-  
10 ommendations for a method for performing a simplified,  
11 streamlined lifecycle analysis of the fossil and renewable  
12 carbon content of biofuels that includes—

13           (1) carbon inputs to feedstock production; and

14           (2) carbon inputs to the biofuel production  
15           process, including the carbon associated with elec-  
16           trical and thermal energy inputs.

17 **SEC. 149. STUDY OF THE ADEQUACY OF RAILROAD TRANS-**  
18 **PORTATION OF DOMESTICALLY-PRODUCED**  
19 **RENEWABLE FUEL.**

20           (a) STUDY.—

21           (1) IN GENERAL.—The Secretary, in consulta-  
22           tion with the Secretary of Transportation, shall con-  
23           duct a study of the adequacy of railroad transpor-  
24           tation of domestically-produced renewable fuel.

1           (2) COMPONENTS.—In conducting the study  
2 under paragraph (1), the Secretary shall consider—

3           (A) the adequacy of, and appropriate loca-  
4 tion for, tracks that have sufficient capacity,  
5 and are in the appropriate condition, to move  
6 the necessary quantities of domestically-pro-  
7 duced renewable fuel within the timeframes re-  
8 quired by section 111;

9           (B) the adequacy of the supply of railroad  
10 tank cars, locomotives, and rail crews to move  
11 the necessary quantities of domestically-pro-  
12 duced renewable fuel in a timely fashion;

13           (C)(i) the projected costs of moving the do-  
14 mesticallly-produced renewable fuel using rail-  
15 road transportation; and

16           (ii) the impact of the projected costs on  
17 the marketability of the domestically-produced  
18 renewable fuel;

19           (D) whether there is adequate railroad  
20 competition to ensure—

21           (i) a fair price for the railroad trans-  
22 portation of domestically-produced renew-  
23 able fuel; and

1                   (ii) acceptable levels of service for rail-  
2                   road transportation of domestically-pro-  
3                   duced renewable fuel;

4                   (E) any rail infrastructure capital costs  
5                   that the railroads indicate should be paid by the  
6                   producers or distributors of domestically-pro-  
7                   duced renewable fuel;

8                   (F) whether Federal agencies have ade-  
9                   quate legal authority to ensure a fair and rea-  
10                  sonable transportation price and acceptable lev-  
11                  els of service in cases in which the domestically-  
12                  produced renewable fuel source does not have  
13                  access to competitive rail service;

14                  (G) whether Federal agencies have ade-  
15                  quate legal authority to address railroad service  
16                  problems that may be resulting in inadequate  
17                  supplies of domestically-produced renewable fuel  
18                  in any area of the United States; and

19                  (H) any recommendations for any addi-  
20                  tional legal authorities for Federal agencies to  
21                  ensure the reliable railroad transportation of  
22                  adequate supplies of domestically-produced re-  
23                  newable fuel at reasonable prices.

24                  (b) REPORT.—Not later than 180 days after the date  
25 of enactment of this Act, the Secretary shall submit to

1 the Committee on Energy and Natural Resources of the  
2 Senate and the Committee on Energy and Commerce of  
3 the House of Representatives a report that describes the  
4 results of the study conducted under subsection (a).

5 **SEC. 150. STUDY OF EFFECTS OF ETHANOL-BLENDED GASO-**  
6 **LINE ON OFF ROAD VEHICLES.**

7 (a) STUDY.—

8 (1) IN GENERAL.—The Secretary, in consulta-  
9 tion with the Secretary of Transportation and the  
10 Administrator of the Environmental Protection  
11 Agency, shall conduct a study to determine the ef-  
12 fects of ethanol-blended gasoline on off-road vehicles  
13 and recreational boats.

14 (2) EVALUATION.—The study shall include an  
15 evaluation of the operational, safety, durability, and  
16 environmental impacts of ethanol-blended gasoline  
17 on off-road and marine engines, recreational boats,  
18 and related equipment.

19 (b) REPORT.—Not later than 1 year after the date  
20 of enactment of this Act, the Secretary shall submit to  
21 Congress a report describing the results of the study.

1    **TITLE II—ENERGY EFFICIENCY**  
2                                   **PROMOTION**

3    **SEC. 201. SHORT TITLE.**

4           This title may be cited as the “Energy Efficiency  
5   Promotion Act of 2007”.

6    **SEC. 202. DEFINITION OF SECRETARY.**

7           In this title, the term “Secretary” means the Sec-  
8   retary of Energy.

9           **Subtitle A—Promoting Advanced**  
10                                   **Lighting Technologies**

11   **SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFI-**  
12                                   **CIENT LIGHTING.**

13           Section 553 of the National Energy Conservation  
14   Policy Act (42 U.S.C. 8259b) is amended by adding the  
15   following:

16           “(f) ACCELERATED PROCUREMENT OF ENERGY EF-  
17   FICIENT LIGHTING.—

18                   “(1) IN GENERAL.—Not later than October 1,  
19           2013, in accordance with guidelines issued by the  
20           Secretary, all general purpose lighting in Federal  
21           buildings shall be Energy Star products or products  
22           designated under the Federal Energy Management  
23           Program.

24                   “(2) GUIDELINES.—

1           “(A) IN GENERAL.—Not later than 1 year  
2 after the date of enactment of this subsection,  
3 the Secretary shall issue guidelines to carry out  
4 this subsection.

5           “(B) REPLACEMENT COSTS.—The guide-  
6 lines shall take into consideration the costs of  
7 replacing all general service lighting and the re-  
8 duced cost of operation and maintenance ex-  
9 pected to result from such replacement.”.

10 **SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY**  
11 **STANDARDS.**

12           (a) DEFINITIONS.—Section 321 of the Energy Policy  
13 and Conservation Act (42 U.S.C. 6291) is amended—

14           (1) in paragraph (30)(C)(ii)—

15           (A) in the matter preceding subclause

16           (I)—

17           (i) by striking “or similar bulb shapes

18           (excluding ER or BR)” and inserting “ER,

19           BR, BPAR, or similar bulb shapes”; and

20           (ii) by striking “2.75” and inserting

21           “2.25”; and

22           (B) by striking “is either—” and all that

23           follows through subclause (II) and inserting

24           “has a rated wattage that is 40 watts or high-

25           er”; and

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

2 “(52) BPAR INCANDESCENT REFLECTOR  
3 LAMP.—The term ‘BPAR incandescent reflector  
4 lamp’ means a reflector lamp as shown in figure  
5 C78.21–278 on page 32 of ANSI C78.21–2003.

6 “(53) BR INCANDESCENT REFLECTOR LAMP;  
7 BR30; BR40.—

8 “(A) BR INCANDESCENT REFLECTOR  
9 LAMP.—The term ‘BR incandescent reflector  
10 lamp’ means a reflector lamp that has—

11 “(i) a bulged section below the major  
12 diameter of the bulb and above the approx-  
13 imate baseline of the bulb, as shown in fig-  
14 ure 1 (RB) on page 7 of ANSI C79.1–  
15 1994, incorporated by reference in section  
16 430.22 of title 10, Code of Federal Regula-  
17 tions (as in effect on the date of enactment  
18 of this paragraph); and

19 “(ii) a finished size and shape shown  
20 in ANSI C78.21–1989, including the ref-  
21 erenced reflective characteristics in part 7  
22 of ANSI C78.21–1989, incorporated by  
23 reference in section 430.22 of title 10,  
24 Code of Federal Regulations (as in effect

1 on the date of enactment of this para-  
2 graph).

3 “(B) BR30.—The term ‘BR30’ means a  
4 BR incandescent reflector lamp with a diameter  
5 of 30/8ths of an inch.

6 “(C) BR40.—The term ‘BR40’ means a  
7 BR incandescent reflector lamp with a diameter  
8 of 40/8ths of an inch.

9 “(54) ER INCANDESCENT REFLECTOR LAMP;  
10 ER30; ER40.—

11 “(A) ER INCANDESCENT REFLECTOR  
12 LAMP.—The term ‘ER incandescent reflector  
13 lamp’ means a reflector lamp that has—

14 “(i) an elliptical section below the  
15 major diameter of the bulb and above the  
16 approximate baseline of the bulb, as shown  
17 in figure 1 (RE) on page 7 of ANSI  
18 C79.1–1994, incorporated by reference in  
19 section 430.22 of title 10, Code of Federal  
20 Regulations (as in effect on the date of en-  
21 actment of this paragraph); and

22 “(ii) a finished size and shape shown  
23 in ANSI C78.21–1989, incorporated by  
24 reference in section 430.22 of title 10,  
25 Code of Federal Regulations (as in effect

1 on the date of enactment of this para-  
2 graph).

3 “(B) ER30.—The term ‘ER30’ means an  
4 ER incandescent reflector lamp with a diameter  
5 of 30/8ths of an inch.

6 “(C) ER40.—The term ‘ER40’ means an  
7 ER incandescent reflector lamp with a diameter  
8 of 40/8ths of an inch.

9 “(55) R20 INCANDESCENT REFLECTOR  
10 LAMP.—The term ‘R20 incandescent reflector lamp’  
11 means a reflector lamp that has a face diameter of  
12 approximately 2.5 inches, as shown in figure 1(R)  
13 on page 7 of ANSI C79.1–1994.”.

14 (b) STANDARDS FOR FLUORESCENT LAMPS AND IN-  
15 CANDESCENT REFLECTOR LAMPS.—Section 325(i) of the  
16 Energy Policy and Conservation Act (42 U.S.C. 6925(i))  
17 is amended by striking paragraph (1) and inserting the  
18 following:

19 “(1) STANDARDS.—

20 “(A) DEFINITION OF EFFECTIVE DATE.—

21 In this paragraph (other than subparagraph  
22 (D)), the term ‘effective date’ means, with re-  
23 spect to each type of lamp specified in a table  
24 contained in subparagraph (B), the last day of  
25 the period of months corresponding to that type

1 of lamp (as specified in the table) that follows  
 2 October 24, 1992.

3 “(B) MINIMUM STANDARDS.—Each of the  
 4 following general service fluorescent lamps and  
 5 incandescent reflector lamps manufactured  
 6 after the effective date specified in the tables  
 7 contained in this paragraph shall meet or ex-  
 8 ceed the following lamp efficacy and CRI stand-  
 9 ards:

“FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin .....	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped .....	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline .....	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output .....	>100 W	69	80.0	18
	≤100 W	45	80.0	18

“INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50 .....	10.5	36
51–66 .....	11.0	36
67–85 .....	12.5	36
86–115 .....	14.0	36
116–155 .....	14.5	36
156–205 .....	15.0	36

10 “(C) EXEMPTIONS.—The standards speci-  
 11 fied in subparagraph (B) shall not apply to the  
 12 following types of incandescent reflector lamps:

1           “(i) Lamps rated at 50 watts or less  
2           that are ER30, BR30, BR40, or ER40  
3           lamps.

4           “(ii) Lamps rated at 65 watts that  
5           are BR30, BR40, or ER40 lamps.

6           “(iii) R20 incandescent reflector  
7           lamps rated 45 watts or less.

8           “(D) EFFECTIVE DATES.—

9           “(i) ER, BR, AND BPAR LAMPS.—The  
10          standards specified in subparagraph (B)  
11          shall apply with respect to ER incandes-  
12          cent reflector lamps, BR incandescent re-  
13          flector lamps, BPAR incandescent reflector  
14          lamps, and similar bulb shapes on and  
15          after January 1, 2008.

16          “(ii) LAMPS BETWEEN 2.25–2.75  
17          INCHES IN DIAMETER.—The standards  
18          specified in subparagraph (B) shall apply  
19          with respect to incandescent reflector  
20          lamps with a diameter of more than 2.25  
21          inches, but not more than 2.75 inches, on  
22          and after January 1, 2008.”.

23 **SEC. 213. BRIGHT TOMORROW LIGHTING PRIZES.**

24          (a) ESTABLISHMENT.—Not later than 1 year after  
25          the date of enactment of this Act, as part of the program

1 carried out under section 1008 of the Energy Policy Act  
2 of 2005 (42 U.S.C. 16396), the Secretary shall establish  
3 and award Bright Tomorrow Lighting Prizes for solid  
4 state lighting in accordance with this section.

5 (b) PRIZE SPECIFICATIONS.—

6 (1) 60-WATT INCANDESCENT REPLACEMENT  
7 LAMP PRIZE.—The Secretary shall award a 60-Watt  
8 Incandescent Replacement Lamp Prize to an entrant  
9 that produces a solid-state light package simulta-  
10 neously capable of—

11 (A) producing a luminous flux greater than  
12 900 lumens;

13 (B) consuming less than or equal to 10  
14 watts;

15 (C) having an efficiency greater than 90  
16 lumens per watt;

17 (D) having a color rendering index greater  
18 than 90;

19 (E) having a correlated color temperature  
20 of not less than 2,750, and not more than  
21 3,000, degrees Kelvin;

22 (F) having 70 percent of the lumen value  
23 under subparagraph (A) exceeding 25,000  
24 hours under typical conditions expected in resi-  
25 dential use;

1 (G) having a light distribution pattern  
2 similar to a soft 60-watt incandescent A19  
3 bulb;

4 (H) having a size and shape that fits with-  
5 in the maximum dimensions of an A19 bulb in  
6 accordance with American National Standards  
7 Institute standard C78.20–2003, figure  
8 C78.20–211;

9 (I) using a single contact medium screw  
10 socket; and

11 (J) mass production for a competitive sales  
12 commercial market satisfied by the submission  
13 of 10,000 such units equal to or exceeding the  
14 criteria described in subparagraphs (A) through  
15 (I).

16 (2) PAR TYPE 38 HALOGEN REPLACEMENT  
17 LAMP PRIZE.—The Secretary shall award a  
18 Parabolic Aluminized Reflector Type 38 Halogen  
19 Replacement Lamp Prize (referred to in this section  
20 as the “PAR Type 38 Halogen Replacement Lamp  
21 Prize”) to an entrant that produces a solid-state-  
22 light package simultaneously capable of—

23 (A) producing a luminous flux greater than  
24 or equal to 1,350 lumens;

1 (B) consuming less than or equal to 11  
2 watts;

3 (C) having an efficiency greater than 123  
4 lumens per watt;

5 (D) having a color rendering index greater  
6 than or equal to 90;

7 (E) having a correlated color coordinate  
8 temperature of not less than 2,750, and not  
9 more than 3,000, degrees Kelvin;

10 (F) having 70 percent of the lumen value  
11 under subparagraph (A) exceeding 25,000  
12 hours under typical conditions expected in resi-  
13 dential use;

14 (G) having a light distribution pattern  
15 similar to a PAR 38 halogen lamp;

16 (H) having a size and shape that fits with-  
17 in the maximum dimensions of a PAR 38 halo-  
18 gen lamp in accordance with American National  
19 Standards Institute standard C78-21-2003,  
20 figure C78.21-238;

21 (I) using a single contact medium screw  
22 socket; and

23 (J) mass production for a competitive sales  
24 commercial market satisfied by the submission  
25 of 10,000 such units equal to or exceeding the

1 criteria described in subparagraphs (A) through  
2 (I).

3 (3) TWENTY-FIRST CENTURY LAMP PRIZE.—

4 The Secretary shall award a Twenty-First Century  
5 Lamp Prize to an entrant that produces a solid-  
6 state-light-light capable of—

7 (A) producing a light output greater than  
8 1,200 lumens;

9 (B) having an efficiency greater than 150  
10 lumens per watt;

11 (C) having a color rendering index greater  
12 than 90;

13 (D) having a color coordinate temperature  
14 between 2,800 and 3,000 degrees Kelvin; and

15 (E) having a lifetime exceeding 25,000  
16 hours.

17 (c) PRIVATE FUNDS.—The Secretary may accept and  
18 use funding from private sources as part of the prizes  
19 awarded under this section.

20 (d) TECHNICAL REVIEW.—The Secretary shall estab-  
21 lish a technical review committee composed of non-Federal  
22 officers to review entrant data submitted under this sec-  
23 tion to determine whether the data meets the prize speci-  
24 fications described in subsection (b).

1 (e) THIRD PARTY ADMINISTRATION.—The Secretary  
2 may competitively select a third party to administer  
3 awards under this section.

4 (f) AWARD AMOUNTS.—Subject to the availability of  
5 funds to carry out this section, the amount of—

6 (1) the 60-Watt Incandescent Replacement  
7 Lamp Prize described in subsection (b)(1) shall be  
8 \$10,000,000;

9 (2) the PAR Type 38 Halogen Replacement  
10 Lamp Prize described in subsection (b)(2) shall be  
11 \$5,000,000; and

12 (3) the Twenty-First Century Lamp Prize de-  
13 scribed in subsection (b)(3) shall be \$5,000,000.

14 (g) FEDERAL PROCUREMENT OF SOLID-STATE-  
15 LIGHTS.—

16 (1) 60-WATT INCANDESCENT REPLACEMENT.—  
17 Subject to paragraph (3), as soon as practicable  
18 after the successful award of the 60-Watt Incandes-  
19 cent Replacement Lamp Prize under subsection  
20 (b)(1), the Secretary (in consultation with the Ad-  
21 ministrator of General Services) shall develop gov-  
22 ernmentwide Federal purchase guidelines with a goal  
23 of replacing the use of 60-watt incandescent lamps  
24 in Federal Government buildings with a solid-state-  
25 light package described in subsection (b)(1) by not

1 later than the date that is 5 years after the date the  
2 award is made.

3 (2) PAR 38 HALOGEN REPLACEMENT LAMP RE-  
4 PLACEMENT.—Subject to paragraph (3), as soon as  
5 practicable after the successful award of the PAR  
6 Type 38 Halogen Replacement Lamp Prize under  
7 subsection (b)(2), the Secretary (in consultation with  
8 the Administrator of General Services) shall develop  
9 governmentwide Federal purchase guidelines with  
10 the goal of replacing the use of PAR 38 halogen  
11 lamps in Federal Government buildings with a solid-  
12 state-light package described in subsection (b)(2) by  
13 not later than the date that is 5 years after the date  
14 the award is made.

15 (3) WAIVERS.—

16 (A) IN GENERAL.—The Secretary or the  
17 Administrator of General Services may waive  
18 the application of paragraph (1) or (2) if the  
19 Secretary or Administrator determines that the  
20 return on investment from the purchase of a  
21 solid-state-light package described in paragraph  
22 (1) or (2) of subsection (b), respectively, is cost  
23 prohibitive.

24 (B) REPORT OF WAIVER.—If the Secretary  
25 or Administrator waives the application of para-

1 graph (1) or (2), the Secretary or Adminis-  
2 trator, respectively, shall submit to Congress an  
3 annual report that describes the waiver and  
4 provides a detailed justification for the waiver.

5 (h) BRIGHT LIGHT TOMORROW AWARD FUND.—

6 (1) ESTABLISHMENT.—There is established in  
7 the United States Treasury a Bright Light Tomor-  
8 row permanent fund without fiscal year limitation to  
9 award prizes under paragraphs (1), (2), and (3) of  
10 subsection (b).

11 (2) SOURCES OF FUNDING.—The fund estab-  
12 lished under paragraph (1) shall accept—

13 (A) fiscal year appropriations; and

14 (B) private contributions authorized under  
15 subsection (c).

16 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated such sums as are nec-  
18 essary to carry out this section.

19 **SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT**  
20 **LIGHTING STANDARDS.**

21 (a) FINDINGS.—The Senate finds that—

22 (1) there are approximately 4,000,000,000  
23 screw-based sockets in the United States that con-  
24 tain traditional, energy-inefficient, incandescent light  
25 bulbs;

1           (2) incandescent light bulbs are based on tech-  
2 nology that is more than 125 years old;

3           (3) there are radically more efficient lighting al-  
4 ternatives in the market, with the promise of even  
5 more choices over the next several years;

6           (4) national policy can support a rapid substi-  
7 tution of new, energy-efficient light bulbs for the less  
8 efficient products in widespread use; and,

9           (5) transforming the United States market to  
10 use of more efficient lighting technologies can—

11           (A) reduce electric costs in the United  
12 States by more than \$18,000,000,000 annually;

13           (B) save the equivalent electricity that is  
14 produced by 80 base load coal-fired power  
15 plants; and

16           (C) reduce fossil fuel related emissions by  
17 approximately 158,000,000 tons each year.

18       (b) SENSE OF THE SENATE.—It is the sense of the  
19 Senate that the Senate should—

20           (1) pass a set of mandatory, technology-neutral  
21 standards to establish firm energy efficiency per-  
22 formance targets for lighting products;

23           (2) ensure that the standards become effective  
24 within the next 10 years; and

25           (3) in developing the standards—

1 (A) establish the efficiency requirements to  
2 ensure that replacement lamps will provide con-  
3 sumers with the same quantity of light while  
4 using significantly less energy;

5 (B) ensure that consumers will continue to  
6 have multiple product choices, including energy-  
7 saving halogen, incandescent, compact fluores-  
8 cent, and LED light bulbs; and

9 (C) work with industry and key stake-  
10 holders on measures that can assist consumers  
11 and businesses in making the important transi-  
12 tion to more efficient lighting.

13 **SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.**

14 (a) DEFINITIONS.—In this section:

15 (1) ALASKA SMALL HYDROELECTRIC POWER.—  
16 The term “Alaska small hydroelectric power” means  
17 power that—

18 (A) is generated—

19 (i) in the State of Alaska;

20 (ii) without the use of a dam or im-  
21 poundment of water; and

22 (iii) through the use of—

23 (I) a lake tap (but not a perched  
24 alpine lake); or

1 (II) a run-of-river screened at the  
2 point of diversion; and

3 (B) has a nameplate capacity rating of a  
4 wattage that is not more than 15 megawatts.

5 (2) ELIGIBLE APPLICANT.—The term “eligible  
6 applicant” means any—

7 (A) governmental entity;

8 (B) private utility;

9 (C) public utility;

10 (D) municipal utility;

11 (E) cooperative utility;

12 (F) Indian tribes; and

13 (G) Regional Corporation (as defined in  
14 section 3 of the Alaska Native Claims Settle-  
15 ment Act (43 U.S.C. 1602)).

16 (3) OCEAN ENERGY.—

17 (A) INCLUSIONS.—The term “ocean en-  
18 ergy” includes current, wave, and tidal energy.

19 (B) EXCLUSION.—The term “ocean en-  
20 ergy” excludes thermal energy.

21 (4) RENEWABLE ENERGY PROJECT.—The term  
22 “renewable energy project” means a project—

23 (A) for the commercial generation of elec-  
24 tricity; and

25 (B) that generates electricity from—

- 1 (i) solar, wind, or geothermal energy  
2 or ocean energy;
- 3 (ii) biomass (as defined in section  
4 203(b) of the Energy Policy Act of 2005  
5 (42 U.S.C. 15852(b)));
- 6 (iii) landfill gas; or
- 7 (iv) Alaska small hydroelectric power.

8 (b) RENEWABLE ENERGY CONSTRUCTION  
9 GRANTS.—

10 (1) IN GENERAL.—The Secretary shall use  
11 amounts appropriated under this section to make  
12 grants for use in carrying out renewable energy  
13 projects.

14 (2) CRITERIA.—Not later than 180 days after  
15 the date of enactment of this Act, the Secretary  
16 shall set forth criteria for use in awarding grants  
17 under this section.

18 (3) APPLICATION.—To receive a grant from the  
19 Secretary under paragraph (1), an eligible applicant  
20 shall submit to the Secretary an application at such  
21 time, in such manner, and containing such informa-  
22 tion as the Secretary may require, including a writ-  
23 ten assurance that—

24 (A) all laborers and mechanics employed  
25 by contractors or subcontractors during con-

1 construction, alteration, or repair that is financed,  
2 in whole or in part, by a grant under this sec-  
3 tion shall be paid wages at rates not less than  
4 those prevailing on similar construction in the  
5 locality, as determined by the Secretary of  
6 Labor in accordance with sections 3141–3144,  
7 3146, and 3147 of title 40, United States Code;  
8 and

9 (B) the Secretary of Labor shall, with re-  
10 spect to the labor standards described in this  
11 paragraph, have the authority and functions set  
12 forth in Reorganization Plan Numbered 14 of  
13 1950 (5 U.S.C. App.) and section 3145 of title  
14 40, United States Code.

15 (4) NON-FEDERAL SHARE.—Each eligible appli-  
16 cant that receives a grant under this subsection shall  
17 contribute to the total cost of the renewable energy  
18 project constructed by the eligible applicant an  
19 amount not less than 50 percent of the total cost of  
20 the project.

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

1           **Subtitle B—Expediting New**  
2           **Energy Efficiency Standards**

3   **SEC. 221. DEFINITION OF ENERGY CONSERVATION STAND-**  
4                           **ARD.**

5           Section 321 of the Energy Policy and Conservation  
6 Act (42 U.S.C. 6291) is amended by striking paragraph  
7 (6) and inserting the following:

8                           “(6) ENERGY CONSERVATION STANDARD.—

9                                   “(A) IN GENERAL.—The term ‘energy con-  
10                                   servation standard’ means 1 or more perform-  
11                                   ance standards that prescribe a minimum level  
12                                   of energy efficiency or a maximum quantity of  
13                                   energy use and, in the case of a showerhead,  
14                                   faucet, water closet, urinal, clothes washer, and  
15                                   dishwasher, water use, for a covered product,  
16                                   determined in accordance with test procedures  
17                                   prescribed under section 323.

18                                   “(B) INCLUSIONS.—The term ‘energy con-  
19                                   servation standard’ includes—

20   “(i) 1 or more design requirements, as  
21   part of a consensus agreement under sec-  
22   tion 325(hh); and

23   “(ii) any other requirements that the  
24   Secretary may prescribe under subsections  
25   (o) and (r) of section 325.

1           “(C) EXCLUSION.—The term ‘energy con-  
 2           servation standard’ does not include a perform-  
 3           ance standard for a component of a finished  
 4           covered product.”.

5 **SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEAT-**  
 6 **ING AND COOLING PRODUCTS.**

7           (a) IN GENERAL.—Section 327 of the Energy Policy  
 8 and Conservation Act (42 U.S.C. 6297) is amended—

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

11          (2) by inserting after subsection (d) the fol-  
 12          lowing:

13          “(e) REGIONAL EFFICIENCY STANDARDS FOR HEAT-  
 14          ING AND COOLING PRODUCTS.—

15                 “(1) IN GENERAL.—

16                         “(A) DETERMINATION.—The Secretary  
 17                         may determine, after notice and comment, that  
 18                         more stringent Federal energy conservation  
 19                         standards are appropriate for furnaces, boilers,  
 20                         or central air conditioning equipment than ap-  
 21                         plicable Federal energy conservation standards.

22                         “(B) FINDING.—The Secretary may deter-  
 23                         mine that more stringent standards are appro-  
 24                         priate for up to 2 different regions only after  
 25                         finding that the regional standards—

1                   “(i) would contribute to energy sav-  
2                   ings that are substantially greater than  
3                   that of a single national energy standard;  
4                   and

5                   “(ii) are economically justified.

6                   “(C) REGIONS.—On making a determina-  
7                   tion described in subparagraph (B), the Sec-  
8                   retary shall establish the regions so that the  
9                   more stringent standards would achieve the  
10                  maximum level of energy savings that is techno-  
11                  logically feasible and economically justified.

12                  “(D) FACTORS.—In determining the ap-  
13                  propriateness of 1 or more regional standards  
14                  for furnaces, boilers, and central and commer-  
15                  cial air conditioning equipment, the Secretary  
16                  shall consider all of the factors described in  
17                  paragraphs (1) through (4) of section 325(o).

18                  “(2) STATE PETITION.—After a determination  
19                  made by the Secretary under paragraph (1), a State  
20                  may petition the Secretary requesting a rule that a  
21                  State regulation that establishes a standard for fur-  
22                  naces, boilers, or central air conditioners become ef-  
23                  fective at a level determined by the Secretary to be  
24                  appropriate for the region that includes the State.

1           “(3) RULE.—Subject to paragraphs (4) through  
2 (7), the Secretary may issue the rule during the pe-  
3 riod described in paragraph (4) and after consider-  
4 ation of the petition and the comments of interested  
5 persons.

6           “(4) PROCEDURE.—

7           “(A) NOTICE.—The Secretary shall pro-  
8 vide notice of any petition filed under para-  
9 graph (2) and afford interested persons a rea-  
10 sonable opportunity to make written comments,  
11 including rebuttal comments, on the petition.

12           “(B) DECISION.—Except as provided in  
13 subparagraph (C), during the 180-day period  
14 beginning on the date on which the petition is  
15 filed, the Secretary shall issue the requested  
16 rule or deny the petition.

17           “(C) EXTENSION.—The Secretary may  
18 publish in the Federal Register a notice—

19           “(i) extending the period to a speci-  
20 fied date, but not longer than 1 year after  
21 the date on which the petition is filed; and

22           “(ii) describing the reasons for the  
23 delay.

24           “(D) DENIALS.—If the Secretary denies a  
25 petition under this subsection, the Secretary

1           shall publish in the Federal Register notice of,  
2           and the reasons for, the denial.

3           “(5) FINDING OF SIGNIFICANT BURDEN ON  
4           MANUFACTURING, MARKETING, DISTRIBUTION, SALE,  
5           OR SERVICING OF COVERED PRODUCT ON NATIONAL  
6           BASIS.—

7                   “(A) IN GENERAL.—The Secretary may  
8           not issue a rule under this subsection if the  
9           Secretary finds (and publishes the finding) that  
10          interested persons have established, by a pre-  
11          ponderance of the evidence, that the State regu-  
12          lation will significantly burden manufacturing,  
13          marketing, distribution, sale, or servicing of a  
14          covered product on a national basis.

15                   “(B) FACTORS.—In determining whether  
16          to make a finding described in subparagraph  
17          (A), the Secretary shall evaluate all relevant  
18          factors, including—

19                           “(i) the extent to which the State reg-  
20                           ulation will increase manufacturing or dis-  
21                           tribution costs of manufacturers, distribu-  
22                           tors, and others;

23                           “(ii) the extent to which the State  
24                           regulation will disadvantage smaller manu-  
25                           facturers, distributors, or dealers or lessen

1 competition in the sale of the covered prod-  
2 uct in the State; and

3 “(iii) the extent to which the State  
4 regulation would cause a burden to manu-  
5 facturers to redesign and produce the cov-  
6 ered product type (or class), taking into  
7 consideration the extent to which the regu-  
8 lation would result in a reduction—

9 “(I) in the current models, or in  
10 the projected availability of models,  
11 that could be shipped on the effective  
12 date of the regulation to the State  
13 and within the United States; or

14 “(II) in the current or projected  
15 sales volume of the covered product  
16 type (or class) in the State and the  
17 United States.

18 “(6) APPLICATION.—No State regulation shall  
19 become effective under this subsection with respect  
20 to any covered product manufactured before the date  
21 specified in the determination made by the Secretary  
22 under paragraph (1).

23 “(7) PETITION TO WITHDRAW FEDERAL RULE  
24 FOLLOWING AMENDMENT OF FEDERAL STAND-  
25 ARD.—

1           “(A) IN GENERAL.—If a State has issued  
2 a rule under paragraph (3) with respect to a  
3 covered product and subsequently a Federal en-  
4 ergy conservation standard concerning the prod-  
5 uct is amended pursuant to section 325, any  
6 person subject to the State regulation may file  
7 a petition with the Secretary requesting the  
8 Secretary to withdraw the rule issued under  
9 paragraph (3) with respect to the product in  
10 the State.

11           “(B) BURDEN OF PROOF.—The Secretary  
12 shall consider the petition in accordance with  
13 paragraph (5) and the burden shall be on the  
14 petitioner to show by a preponderance of the  
15 evidence that the rule received by the State  
16 under paragraph (3) should be withdrawn as a  
17 result of the amendment to the Federal stand-  
18 ard.

19           “(C) WITHDRAWAL.—If the Secretary de-  
20 termines that the petitioner has shown that the  
21 rule issued by the Secretary under paragraph  
22 (3) should be withdrawn in accordance with  
23 subparagraph (B), the Secretary shall withdraw  
24 the rule.”.

25           (b) CONFORMING AMENDMENTS.—

1           (1) Section 327 of the Energy Policy and Con-  
2           servation Act (42 U.S.C. 6297) is amended—

3                   (A) in subsection (b)—

4                           (i) in paragraph (2), by striking “sub-  
5                           section (e)” and inserting “subsection (f)”;

6                   and

7                           (ii) in paragraph (3)—

8                                   (I) by striking “subsection  
9                                   (f)(1)” and inserting “subsection  
10                                   (g)(1)”; and

11                                   (II) by striking “subsection  
12                                   (f)(2)” and inserting “subsection  
13                                   (g)(2)”; and

14                   (B) in subsection (c)(3), by striking “sub-  
15                   section (f)(3)” and inserting “subsection  
16                   (g)(3)”.

17           (2) Section 345(b)(2) of the Energy Policy and  
18           Conservation Act (42 U.S.C. 6316(b)(2)) is amend-  
19           ed by adding at the end the following:

20                   “(E) RELATIONSHIP TO CERTAIN STATE  
21                   REGULATIONS.—Notwithstanding subparagraph  
22                   (A), a standard prescribed or established under  
23                   section 342(a) with respect to the equipment  
24                   specified in subparagraphs (B), (C), (D), (H),  
25                   (I), and (J) of section 340 shall not supersede

1 a State regulation that is effective under the  
2 terms, conditions, criteria, procedures, and  
3 other requirements of section 327(e).”.

4 **SEC. 223. FURNACE FAN RULEMAKING.**

5 Section 325(f)(3) of the Energy Policy and Conserva-  
6 tion Act (42 U.S.C. 6295(f)(3)) is amended by adding at  
7 the end the following:

8 “(E) FINAL RULE.—

9 “(i) IN GENERAL.—The Secretary  
10 shall publish a final rule to carry out this  
11 subsection not later than December 31,  
12 2014.

13 “(ii) CRITERIA.—The standards shall  
14 meet the criteria established under sub-  
15 section (o).”.

16 **SEC. 224. EXPEDITED RULEMAKINGS.**

17 Section 325 of the Energy Policy and Conservation  
18 Act (42 U.S.C. 6295) is amended by adding at the end  
19 the following:

20 “(hh) EXPEDITED RULEMAKING FOR CONSENSUS  
21 STANDARDS.—

22 “(1) IN GENERAL.—The Secretary shall con-  
23 duct an expedited rulemaking based on an energy  
24 conservation standard or test procedure rec-  
25 ommended by interested persons, if—

1           “(A) the interested persons (demonstrating  
2 significant and broad support from manufactur-  
3 ers of a covered product, States, utilities, and  
4 environmental, energy efficiency, and consumer  
5 advocates) submit a joint comment or petition  
6 recommending a consensus energy conservation  
7 standard or test procedure; and

8           “(B) the Secretary determines that the  
9 joint comment or petition includes evidence that  
10 (assuming no other evidence were considered)  
11 provides an adequate basis for determining that  
12 the proposed consensus energy conservation  
13 standard or test procedure proposed in the joint  
14 comment or petition complies with the provi-  
15 sions and criteria of this Act (including sub-  
16 section (o)) that apply to the type or class of  
17 covered products covered by the joint comment  
18 or petition.

19           “(2) PROCEDURE.—

20           “(A) IN GENERAL.—Notwithstanding sub-  
21 section (p) or section 336(a), if the Secretary  
22 receives a joint comment or petition that meets  
23 the criteria described in paragraph (1), the Sec-  
24 retary shall conduct an expedited rulemaking  
25 with respect to the standard or test procedure

1 proposed in the joint comment or petition in ac-  
2 cordance with this paragraph.

3 “(B) ADVANCED NOTICE OF PROPOSED  
4 RULEMAKING.—If no advanced notice of pro-  
5 posed rulemaking has been issued under sub-  
6 section (p)(1) with respect to the rulemaking  
7 covered by the joint comment or petition, the  
8 requirements of subsection (p) with respect to  
9 the issuance of an advanced notice of proposed  
10 rulemaking shall not apply.

11 “(C) PUBLICATION OF DETERMINATION.—  
12 Not later than 60 days after receipt of a joint  
13 comment or petition described in paragraph  
14 (1)(A), the Secretary shall publish a description  
15 of a determination as to whether the proposed  
16 standard or test procedure covered by the joint  
17 comment or petition meets the criteria de-  
18 scribed in paragraph (1).

19 “(D) PROPOSED RULE.—

20 “(i) PUBLICATION.—If the Secretary  
21 determines that the proposed consensus  
22 standard or test procedure covered by the  
23 joint comment or petition meets the cri-  
24 teria described in paragraph (1), not later  
25 than 30 days after the determination, the

1 Secretary shall publish a proposed rule  
2 proposing the consensus standard or test  
3 procedure covered by the joint comment or  
4 petition.

5 “(ii) PUBLIC COMMENT PERIOD.—  
6 Notwithstanding paragraphs (2) and (3) of  
7 subsection (p), the public comment period  
8 for the proposed rule shall be the 30–day  
9 period beginning on the date of the publi-  
10 cation of the proposed rule in the Federal  
11 Register.

12 “(iii) PUBLIC HEARING.—Notwith-  
13 standing section 336(a), the Secretary may  
14 waive the holding of a public hearing with  
15 respect to the proposed rule.

16 “(E) FINAL RULE.—Notwithstanding sub-  
17 section (p)(4), the Secretary—

18 “(i) may publish a final rule at any  
19 time after the 60-day period beginning on  
20 the date of publication of the proposed rule  
21 in the Federal Register; and

22 “(ii) shall publish a final rule not  
23 later than 120 days after the date of publi-  
24 cation of the proposed rule in the Federal  
25 Register.”.

1 **SEC. 225. PERIODIC REVIEWS.**

2 (a) TEST PROCEDURES.—Section 323(b)(1) of the  
3 Energy Policy and Conservation Act (42 U.S.C.  
4 6293(b)(1)) is amended by striking “(1)” and all that fol-  
5 lows through the end of the paragraph and inserting the  
6 following:

7 “(1) TEST PROCEDURES.—

8 “(A) AMENDMENT.—At least once every 7  
9 years, the Secretary shall review test procedures  
10 for all covered products and—

11 “(i) amend test procedures with re-  
12 spect to any covered product, if the Sec-  
13 retary determines that amended test proce-  
14 dures would more accurately or fully com-  
15 ply with the requirements of paragraph  
16 (3); or

17 “(ii) publish notice in the Federal  
18 Register of any determination not to  
19 amend a test procedure.”.

20 (b) ENERGY CONSERVATION STANDARDS.—Section  
21 325 of the Energy Policy and Conservation Act (42 U.S.C.  
22 6295) is amended by striking subsection (m) and inserting  
23 the following:

24 “(m) FURTHER RULEMAKING.—

25 “(1) IN GENERAL.—After issuance of the last  
26 final rules required for a product under this part,

1 the Secretary shall, not later than 5 years after the  
2 date of issuance of a final rule establishing or  
3 amending a standard or determining not to amend  
4 a standard, publish a final rule to determine whether  
5 standards for the product should be amended based  
6 on the criteria described in subsection (n)(2).

7 “(2) ANALYSIS.—Prior to publication of the de-  
8 termination, the Secretary shall publish a notice of  
9 availability describing the analysis of the Depart-  
10 ment and provide opportunity for written comment.

11 “(3) FINAL RULE.—Not later than 3 years  
12 after a positive determination under paragraph (1),  
13 the Secretary shall publish a final rule amending the  
14 standard for the product.

15 “(4) APPLICATION OF AMENDMENT.—An  
16 amendment prescribed under this subsection shall  
17 apply to a product manufactured after a date that  
18 is 5 years after—

19 “(A) the effective date of the previous  
20 amendment made pursuant to this part; or

21 “(B) if the previous final rule published  
22 under this part did not amend the standard, the  
23 earliest date by which a previous amendment  
24 could have been in effect, except that in no case  
25 may an amended standard apply to products

1 manufactured within 3 years after publication  
2 of the final rule establishing a standard.”.

3 (c) STANDARDS.—Section 342(a) of the Energy Pol-  
4 icy and Conservation Act (42 U.S.C. 6313(a)) is amended  
5 by striking paragraph (6) and inserting the following:

6 “(6) AMENDED ENERGY EFFICIENCY STAND-  
7 ARDS.—

8 “(A) ANALYSIS OF POTENTIAL ENERGY  
9 SAVINGS.—If ASHRAE/IES Standard 90.1 is  
10 amended with respect to any small commercial  
11 package air conditioning and heating equip-  
12 ment, large commercial package air condi-  
13 tioning and heating equipment, packaged ter-  
14 minal central and commercial air conditioners,  
15 packaged terminal heat pumps, warm-air fur-  
16 naces, packaged boilers, storage water heaters,  
17 instantaneous water heaters, or unfired hot  
18 water storage tanks, not later than 180 days  
19 after the amendment of the standard, the Sec-  
20 retary shall publish in the Federal Register for  
21 public comment an analysis of the energy sav-  
22 ings potential of amended energy efficiency  
23 standards.

24 “(B) AMENDED UNIFORM NATIONAL  
25 STANDARD FOR PRODUCTS.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), not later than 18  
3           months after the date of publication of the  
4           amendment to the ASHRAE/IES Standard  
5           90.1 for a product described in subpara-  
6           graph (A), the Secretary shall establish an  
7           amended uniform national standard for the  
8           product at the minimum level for the appli-  
9           cable effective date specified in the amend-  
10          ed ASHRAE/IES Standard 90.1.

11          “(ii) MORE STRINGENT STANDARD.—  
12          Clause (i) shall not apply if the Secretary  
13          determines, by rule published in the Fed-  
14          eral Register, and supported by clear and  
15          convincing evidence, that adoption of a  
16          uniform national standard more stringent  
17          than the amended ASHRAE/IES Standard  
18          90.1 for the product would result in sig-  
19          nificant additional conservation of energy  
20          and is technologically feasible and economi-  
21          cally justified.

22          “(C) RULE.—If the Secretary makes a de-  
23          termination described in subparagraph (B)(ii)  
24          for a product described in subparagraph (A),  
25          not later than 30 months after the date of pub-

1           lication of the amendment to the ASHRAE/IES  
2           Standard 90.1 for the product, the Secretary  
3           shall issue the rule establishing the amended  
4           standard.

5           “(D) AMENDMENT OF STANDARDS.—

6           “(i) IN GENERAL.—After issuance of  
7           the most recent final rule for a product  
8           under this subsection, not later than 5  
9           years after the date of issuance of a final  
10          rule establishing or amending a standard  
11          or determining not to amend a standard,  
12          the Secretary shall publish a final rule to  
13          determine whether standards for the prod-  
14          uct should be amended based on the cri-  
15          teria described in subparagraph (A).

16          “(ii) ANALYSIS.—Prior to publication  
17          of the determination, the Secretary shall  
18          publish a notice of availability describing  
19          the analysis of the Department and pro-  
20          vide opportunity for written comment.

21          “(iii) FINAL RULE.—Not later than 3  
22          years after a positive determination under  
23          clause (i), the Secretary shall publish a  
24          final rule amending the standard for the  
25          product.”.

1 (d) TEST PROCEDURES.—Section 343(a) of the En-  
 2 ergy Policy and Conservation Act (42 U.S.C. 6313(a)) is  
 3 amended by striking “(a)” and all that follows through  
 4 the end of paragraph (1) and inserting the following:

5 “(a) PRESCRIPTION BY SECRETARY; REQUIRE-  
 6 MENTS.—

7 “(1) TEST PROCEDURES.—

8 “(A) AMENDMENT.—At least once every 7  
 9 years, the Secretary shall conduct an evaluation  
 10 of each class of covered equipment and—

11 “(i) if the Secretary determines that  
 12 amended test procedures would more accu-  
 13 rately or fully comply with the require-  
 14 ments of paragraphs (2) and (3), shall pre-  
 15 scribe test procedures for the class in ac-  
 16 cordance with this section; or

17 “(ii) shall publish notice in the Fed-  
 18 eral Register of any determination not to  
 19 amend a test procedure.”.

20 (e) EFFECTIVE DATE.—The amendments made by  
 21 subsections (b) and (c) take effect on January 1, 2012.

22 **SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER**  
 23 **PRODUCTS.**

24 (a) IN GENERAL.—Not later than 2 years after the  
 25 date of enactment of this Act or not later than 18 months

1 after test procedures have been developed for a consumer  
2 electronics product category described in subsection (b),  
3 whichever is later, the Federal Trade Commission, in con-  
4 sultation with the Secretary and the Administrator of the  
5 Environmental Protection Agency shall promulgate regu-  
6 lations, in accordance with the Energy Star program and  
7 in a manner that minimizes, to the maximum extent prac-  
8 ticable, duplication with respect to the requirements of  
9 that program and other national and international energy  
10 labeling programs, to add the consumer electronics prod-  
11 uct categories described in subsection (b) to the Energy  
12 Guide labeling program of the Commission.

13 (b) CONSUMER ELECTRONICS PRODUCT CAT-  
14 EGORIES.—The consumer electronics product categories  
15 referred to in subsection (a) are the following:

- 16 (1) Televisions.
- 17 (2) Personal computers.
- 18 (3) Cable or satellite set-top boxes.
- 19 (4) Stand-alone digital video recorder boxes.
- 20 (5) Computer monitors.

21 (c) LABEL PLACEMENT.—The regulations shall in-  
22 clude specific requirements for each product on the place-  
23 ment of Energy Guide labels.

24 (d) DEADLINE FOR LABELING.—Not later than 1  
25 year after the date of promulgation of regulations under

1 subsection (a), the Commission shall require labeling elec-  
2 tronic products described in subsection (b) in accordance  
3 with this section (including the regulations).

4 (e) **AUTHORITY TO INCLUDE ADDITIONAL PRODUCT**  
5 **CATEGORIES.**—The Commission may add additional prod-  
6 uct categories to the Energy Guide labeling program if  
7 the product categories include products, as determined by  
8 the Commission—

9 (1) that have an annual energy use in excess of  
10 100 kilowatt hours per year; and

11 (2) for which there is a significant difference in  
12 energy use between the most and least efficient  
13 products.

14 **SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.**

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

17 (1) by redesignating paragraph (3) as para-  
18 graph (4); and

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

21 “(3) **BOILERS.**—

22 “(A) **IN GENERAL.**—Subject to subpara-  
23 graphs (B) and (C), boilers manufactured on or  
24 after September 1, 2012, shall meet the fol-  
25 lowing requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

1                   “(B) PILOTS.—The manufacturer shall not  
2                   equip gas hot water or steam boilers with con-  
3                   stant-burning pilot lights.

4                   “(C) AUTOMATIC MEANS FOR ADJUSTING  
5                   WATER TEMPERATURE.—

6                   “(i) IN GENERAL.—The manufacturer  
7                   shall equip each gas, oil, and electric hot  
8                   water boiler (other than a boiler equipped  
9                   with tankless domestic water heating coils)  
10                  with an automatic means for adjusting the  
11                  temperature of the water supplied by the  
12                  boiler to ensure that an incremental  
13                  change in inferred heat load produces a  
14                  corresponding incremental change in the  
15                  temperature of water supplied.

16                  “(ii) CERTAIN BOILERS.—For a boiler  
17                  that fires at 1 input rate, the requirements

1 of this subparagraph may be satisfied by  
2 providing an automatic means that allows  
3 the burner or heating element to fire only  
4 when the means has determined that the  
5 inferred heat load cannot be met by the re-  
6 sidual heat of the water in the system.

7 “(iii) NO INFERRED HEAT LOAD.—  
8 When there is no inferred heat load with  
9 respect to a hot water boiler, the automatic  
10 means described in clauses (i) and (ii)  
11 shall limit the temperature of the water in  
12 the boiler to not more than 140 degrees  
13 Fahrenheit.

14 “(iv) OPERATION.—A boiler described  
15 in clause (i) or (ii) shall be operable only  
16 when the automatic means described in  
17 clauses (i), (ii), and (iii) is installed.”.

18 **SEC. 228. TECHNICAL CORRECTIONS.**

19 (a) DEFINITION OF FLUORESCENT LAMP.—Section  
20 321(30)(B)(viii) of the Energy Policy and Conservation  
21 Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking  
22 “82” and inserting “87”.

23 (b) STANDARDS FOR COMMERCIAL PACKAGE AIR  
24 CONDITIONING AND HEATING EQUIPMENT.—Section  
25 342(a)(1) of the Energy Policy and Conservation Act (42

1 U.S.C. 6313(a)(1)) is amended in the matter preceding  
2 subparagraph (A) by striking “but before January 1,  
3 2010,”.

4 (c) MERCURY VAPOR LAMP BALLASTS.—

5 (1) DEFINITIONS.—Section 321 of the Energy  
6 Policy and Conservation Act (42 U.S.C. 6291) (as  
7 amended by section 212(a)(2)) is amended—

8 (A) in paragraph (46)(A)—

9 (i) in clause (i), by striking “bulb”  
10 and inserting “the arc tube”; and

11 (ii) in clause (ii), by striking “has a  
12 bulb” and inserting “wall loading is”;

13 (B) in paragraph (47)(A), by striking “op-  
14 erating at a partial” and inserting “typically  
15 operating at a partial vapor”;

16 (C) in paragraph (48), by inserting “in-  
17 tended for general illumination” after “lamps”;  
18 and

19 (D) by adding at the end the following:

20 “(56) The term ‘specialty application mercury  
21 vapor lamp ballast’ means a mercury vapor lamp  
22 ballast that—

23 “(A) is designed and marketed for medical  
24 use, optical comparators, quality inspection, in-  
25 dustrial processing, or scientific use, including

1 fluorescent microscopy, ultraviolet curing, and  
2 the manufacture of microchips, liquid crystal  
3 displays, and printed circuit boards; and

4 “(B) in the case of a specialty application  
5 mercury vapor lamp ballast, is labeled as a spe-  
6 cialty application mercury vapor lamp ballast.”.

7 (2) STANDARD SETTING AUTHORITY.—Section  
8 325(ee) of the Energy Policy and Conservation Act  
9 (42 U.S.C. 6295(ee)) is amended by inserting  
10 “(other than specialty application mercury vapor  
11 lamp ballasts)” after “ballasts”.

12 **SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.**

13 (a) DEFINITIONS.—Section 340(13) of the Energy  
14 Policy and Conservation Act (42 U.S.C. 6311(13)) is  
15 amended by striking subparagraph (A) and inserting the  
16 following:

17 “(A)(i) The term ‘electric motor’ means—

18 “(I) a general purpose electric motor—  
19 subtype I; and

20 “(II) a general purpose electric motor—  
21 subtype II.

22 “(ii) The term ‘general purpose electric  
23 motor—subtype I’ means any motor that is consid-  
24 ered a general purpose motor under section 431.12

1 of title 10, Code of Federal Regulations (or suc-  
 2 cessor regulations).

3 “(iii) The term ‘general purpose electric  
 4 motor—subtype II’ means a motor that, in addition  
 5 to the design elements for a general purpose electric  
 6 motor—subtype I, incorporates the design elements  
 7 (as established in National Electrical Manufacturers  
 8 Association MG–1 (2006)) for any of the following:

9 “(I) A U–Frame Motor.

10 “(II) A Design C Motor.

11 “(III) A close-coupled pump motor.

12 “(IV) A footless motor.

13 “(V) A vertical solid shaft normal thrust  
 14 (tested in a horizontal configuration).

15 “(VI) An 8-pole motor.

16 “(VII) A poly-phase motor with voltage of  
 17 not more than 600 volts (other than 230 or 460  
 18 volts).”.

19 (b) STANDARDS.—Section 342(b) of the Energy Pol-  
 20 icy and Conservation Act (42 U.S.C. 6313(13)) is amend-  
 21 ed by striking paragraph (1) and inserting the following:

22 “(1) STANDARDS.—

23 “(A) GENERAL PURPOSE ELECTRIC MO-  
 24 TORS—SUBTYPE I.—

1           “(i) IN GENERAL.—Except as other-  
2           wise provided in this subparagraph, a gen-  
3           eral purpose electric motor—subtype I  
4           with a power rating of not less than 1, and  
5           not more than 200, horsepower manufac-  
6           tured (alone or as a component of another  
7           piece of equipment) after the 3-year period  
8           beginning on the date of enactment of this  
9           subparagraph, shall have a nominal full  
10          load efficiency established in Table 12–12  
11          of National Electrical Manufacturers Asso-  
12          ciation (referred to in this paragraph as  
13          ‘NEMA’) MG–1 (2006).

14          “(ii) FIRE PUMP MOTORS.—A fire  
15          pump motor shall have a nominal full load  
16          efficiency established in Table 12–11 of  
17          NEMA MG–1 (2006).

18          “(B) GENERAL PURPOSE ELECTRIC MO-  
19          TORS—SUBTYPE II.—A general purpose electric  
20          motor—subtype II with a power rating of not  
21          less than 1, and not more than 200, horsepower  
22          manufactured (alone or as a component of an-  
23          other piece of equipment) after the 3-year pe-  
24          riod beginning on the date of enactment of this  
25          subparagraph, shall have a nominal full load ef-

1 efficiency established in Table 12–11 of NEMA  
2 MG–1 (2006).

3 “(C) DESIGN B, GENERAL PURPOSE ELEC-  
4 TRIC MOTORS.—A NEMA Design B, general  
5 purpose electric motor with a power rating of  
6 not less than 201, and not more than 500,  
7 horsepower manufactured (alone or as a compo-  
8 nent of another piece of equipment) after the 3-  
9 year period beginning on the date of the enact-  
10 ment of this subparagraph shall have a nominal  
11 full load efficiency established in Table 12–11  
12 of NEMA MG–1 (2006).”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section take effect on the date that is 3 years after  
15 the date of enactment of this Act.

16 **SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.**

17 (a) DEFINITION OF ENERGY CONSERVATION STAND-  
18 ARD.—Section 321(6)(A) of the Energy Policy and Con-  
19 servation Act (42 U.S.C. 6291(6)(A)) is amended by strik-  
20 ing “or, in the case of” and inserting “and, in the case  
21 of residential clothes washers, residential dishwashers,”.

22 (b) REFRIGERATORS, REFRIGERATOR-FREEZERS,  
23 AND FREEZERS.—Section 325(b) of the Energy Policy  
24 and Conservation Act (42 U.S.C. 6295(b)) is amended by  
25 adding at the end the following:

1           “(4) REFRIGERATORS, REFRIGERATOR-FREEZ-  
2           ERS, AND FREEZERS MANUFACTURED ON OR AFTER  
3           JANUARY 1, 2014.—Not later than December 31,  
4           2010, the Secretary shall publish a final rule deter-  
5           mining whether to amend the standards in effect for  
6           refrigerators, refrigerator-freezers, and freezers  
7           manufactured on or after January 1, 2014, and in-  
8           cluding any amended standards.”.

9           (c) RESIDENTIAL CLOTHES WASHERS AND DISH-  
10          WASHERS.—Section 325(g)(4) of the Energy Policy and  
11          Conservation Act (42 U.S.C. 6295(g)(4)) is amended by  
12          adding at the end the following:

13                   “(D) CLOTHES WASHERS.—

14                           “(i) CLOTHES WASHERS MANUFAC-  
15                           TURED ON OR AFTER JANUARY 1, 2011.—

16                           A residential clothes washer manufactured  
17                           on or after January 1, 2011, shall have—

18                                   “(I) a modified energy factor of  
19                                   at least 1.26; and

20                                   “(II) a water factor of not more  
21                                   than 9.5.

22                           “(ii) CLOTHES WASHERS MANUFAC-  
23                           TURED ON OR AFTER JANUARY 1, 2012.—

24                           Not later than January 1, 2012, the Sec-  
25                           retary shall publish a final rule deter-

1 mining whether to amend the standards in  
2 effect for residential clothes washers manu-  
3 factured on or after January 1, 2012, and  
4 including any amended standards.

5 “(E) DISHWASHERS.—

6 “(i) DISHWASHERS MANUFACTURED  
7 ON OR AFTER JANUARY 1, 2010.—A dish-  
8 washer manufactured on or after January  
9 1, 2010, shall use not more than—

10 “(I) in the case of a standard-  
11 size dishwasher, 355 kWh per year or  
12 6.5 gallons of water per cycle; and

13 “(II) in the case of a compact-  
14 size dishwasher, 260 kWh per year or  
15 4.5 gallons of water per cycle.

16 “(ii) DISHWASHERS MANUFACTURED  
17 ON OR AFTER JANUARY 1, 2018.—Not later  
18 than January 1, 2015, the Secretary shall  
19 publish a final rule determining whether to  
20 amend the standards for dishwashers man-  
21 ufactured on or after January 1, 2018,  
22 and including any amended standards.”.

23 (d) DEHUMIDIFIERS.—Section 325(cc) of the Energy  
24 Policy and Conservation Act (42 U.S.C. 6295(cc)) is  
25 amended—

1 (1) in paragraph (1), by inserting “and before  
 2 October 1, 2012,” after “2007,”; and

3 (2) by striking paragraph (2) and inserting the  
 4 following:

5 “(2) DEHUMIDIFIERS MANUFACTURED ON OR  
 6 AFTER OCTOBER 1, 2012.—Dehumidifiers manufac-  
 7 tured on or after October 1, 2012, shall have an En-  
 8 ergy Factor that meets or exceeds the following val-  
 9 ues:

Product Capacity (pints/day):	Minimum Energy Fac- tor liters/ kWh
Up to 35.00 .....	1.35
35.01–45.00 .....	1.50
45.01–54.00 .....	1.60
54.01–75.00 .....	1.70
Greater than 75.00 .....	2.5.”.

10 (e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of  
 11 the Energy Policy and Conservation Act (42 U.S.C.  
 12 6294a(d)(2)) is amended by striking “2010” and inserting  
 13 “2009”.

14 **SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLI-**  
 15 **ANCES AND BUILDINGS IN COLD CLIMATES.**

16 (a) RESEARCH.—Section 911(a)(2) of the Energy  
 17 Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

18 (1) in subparagraph (C), by striking “and” at  
 19 the end;

1 (2) in subparagraph (D), by striking the period  
2 at the end and inserting “; and”; and

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

4 “(E) technologies to improve the energy ef-  
5 ficiency of appliances and mechanical systems  
6 for buildings in cold climates, including com-  
7 bined heat and power units and increased use  
8 of renewable resources, including fuel.”.

9 (b) REBATES.—Section 124 of the Energy Policy Act  
10 of 2005 (42 U.S.C. 15821) is amended—

11 (1) in subsection (b)(1), by inserting “, or prod-  
12 ucts with improved energy efficiency in cold cli-  
13 mates,” after “residential Energy Star products”;  
14 and

15 (2) in subsection (e), by inserting “or product  
16 with improved energy efficiency in a cold climate”  
17 after “residential Energy Star product” each place  
18 it appears.

19 **SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR**  
20 **HIGH-EFFICIENCY CONSUMER PRODUCTS.**

21 (a) DEFINITIONS.—In this section:

22 (1) ENERGY SAVINGS.—The term “energy sav-  
23 ings” means megawatt-hours of electricity or million  
24 British thermal units of natural gas saved by a  
25 product, in comparison to projected energy consump-

1       tion under the energy efficiency standard applicable  
2       to the product.

3               (2) HIGH-EFFICIENCY CONSUMER PRODUCT.—

4       The term “high-efficiency consumer product” means  
5       a product that exceeds the energy efficiency of com-  
6       parable products available in the market by a per-  
7       centage determined by the Secretary to be an appro-  
8       priate benchmark for the consumer product category  
9       competing for an award under this section.

10       (b) FINANCIAL INCENTIVES PROGRAM.—Effective  
11       beginning October 1, 2007, the Secretary shall competi-  
12       tively award financial incentives under this section for the  
13       manufacture of high-efficiency consumer products.

14       (c) REQUIREMENTS.—

15               (1) IN GENERAL.—The Secretary shall make  
16       awards under this section to manufacturers of high-  
17       efficiency consumer products, based on the bid of  
18       each manufacturer in terms of dollars per megawatt-  
19       hour or million British thermal units saved.

20               (2) ACCEPTANCE OF BIDS.—In making awards  
21       under this section, the Secretary shall—

22                       (A) solicit bids for reverse auction from  
23                       appropriate manufacturers, as determined by  
24                       the Secretary; and

1 (B) award financial incentives to the man-  
2 ufacturers that submit the lowest bids that  
3 meet the requirements established by the Sec-  
4 retary.

5 (d) FORMS OF AWARDS.—An award for a high-effi-  
6 ciency consumer product under this section shall be in the  
7 form of a lump sum payment in an amount equal to the  
8 product obtained by multiplying—

9 (1) the amount of the bid by the manufacturer  
10 of the high-efficiency consumer product; and

11 (2) the energy savings during the projected use-  
12 ful life of the high-efficiency consumer product, not  
13 to exceed 10 years, as determined under regulations  
14 issued by the Secretary.

15 **SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.**

16 (a) DEFINITIONS.—In this section:

17 (1) ELIGIBLE ENTITY.—The term eligible entity  
18 means—

19 (A) an institution of higher education  
20 under contract or in partnership with a non-  
21 profit or for-profit private entity acting on be-  
22 half of an industrial or commercial sector or  
23 subsector;

1 (B) a nonprofit or for-profit private entity  
2 acting on behalf on an industrial or commercial  
3 sector or subsector; or

4 (C) a consortia of entities acting on behalf  
5 of an industrial or commercial sector or sub-  
6 sector.

7 (2) ENERGY-INTENSIVE COMMERCIAL APPLICA-  
8 TIONS.—The term “energy-intensive commercial ap-  
9 plications” means processes and facilities that use  
10 significant quantities of energy as part of the pri-  
11 mary economic activities of the processes and facili-  
12 ties, including—

13 (A) information technology data centers;

14 (B) product manufacturing; and

15 (C) food processing.

16 (3) FEEDSTOCK.—The term “feedstock” means  
17 the raw material supplied for use in manufacturing,  
18 chemical, and biological processes.

19 (4) MATERIALS MANUFACTURERS.—The term  
20 “materials manufacturers” means the energy-inten-  
21 sive primary manufacturing industries, including the  
22 aluminum, chemicals, forest and paper products,  
23 glass, metal casting, and steel industries.

1           (5) PARTNERSHIP.—The term “partnership”  
2 means an energy efficiency and utilization partner-  
3 ship established under subsection (c)(1)(A).

4           (6) PROGRAM.—The term “program” means  
5 the industrial efficiency program established under  
6 subsection (b).

7           (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
8 shall establish a program under which the Secretary, in  
9 cooperation with materials manufacturers, companies en-  
10 gaged in energy-intensive commercial applications, and  
11 national industry trade associations representing the man-  
12 ufactures and companies, shall support, develop, and pro-  
13 mote the use of new materials manufacturing and indus-  
14 trial and commercial processes, technologies, and tech-  
15 niques to optimize energy efficiency and the economic  
16 competitiveness of the United States.

17           (c) PARTNERSHIPS.—

18           (1) IN GENERAL.—As part of the program, the  
19 Secretary shall—

20           (A) establish energy efficiency and utiliza-  
21 tion partnerships between the Secretary and eli-  
22 gible entities to conduct research on, develop,  
23 and demonstrate new processes, technologies,  
24 and operating practices and techniques to sig-  
25 nificantly improve energy efficiency and utiliza-

1           tion by materials manufacturers and in energy-  
2           intensive commercial applications, including the  
3           conduct of activities to—

4                   (i) increase the energy efficiency of in-  
5                   dustrial and commercial processes and fa-  
6                   cilities in energy-intensive commercial ap-  
7                   plication sectors;

8                   (ii) research, develop, and dem-  
9                   onstrate advanced technologies capable of  
10                  energy intensity reductions and increased  
11                  environmental performance in energy-in-  
12                  tensive commercial application sectors; and

13                  (iii) promote the use of the processes,  
14                  technologies, and techniques described in  
15                  clauses (i) and (ii); and

16           (B) pay the Federal share of the cost of  
17           any eligible partnership activities for which a  
18           proposal has been submitted and approved in  
19           accordance with paragraph (3)(B).

20           (2) ELIGIBLE ACTIVITIES.—Partnership activi-  
21           ties eligible for financial assistance under this sub-  
22           section include—

23                   (A) feedstock and recycling research, devel-  
24                   opment, and demonstration activities to identify  
25                   and promote—

1 (i) opportunities for meeting manufac-  
2 turing feedstock requirements with more  
3 energy efficient and flexible sources of  
4 feedstock or energy supply;

5 (ii) strategies to develop and deploy  
6 technologies that improve the quality and  
7 quantity of feedstocks recovered from pro-  
8 cess and waste streams; and

9 (iii) other methods using recycling,  
10 reuse, and improved industrial materials;

11 (B) industrial and commercial energy effi-  
12 ciency and sustainability assessments to—

13 (i) assist individual industrial and  
14 commercial sectors in developing tools,  
15 techniques, and methodologies to assess—

16 (I) the unique processes and fa-  
17 cilities of the sectors;

18 (II) the energy utilization re-  
19 quirements of the sectors; and

20 (III) the application of new, more  
21 energy efficient technologies; and

22 (ii) conduct energy savings assess-  
23 ments;

24 (C) the incorporation of technologies and  
25 innovations that would significantly improve the

1 energy efficiency and utilization of energy-inten-  
2 sive commercial applications; and

3 (D) any other activities that the Secretary  
4 determines to be appropriate.

5 (3) PROPOSALS.—

6 (A) IN GENERAL.—To be eligible for finan-  
7 cial assistance under this subsection, a partner-  
8 ship shall submit to the Secretary a proposal  
9 that describes the proposed research, develop-  
10 ment, or demonstration activity to be conducted  
11 by the partnership.

12 (B) REVIEW.—After reviewing the sci-  
13 entific, technical, and commercial merit of a  
14 proposals submitted under subparagraph (A),  
15 the Secretary shall approve or disapprove the  
16 proposal.

17 (C) COMPETITIVE AWARDS.—The provision  
18 of financial assistance under this subsection  
19 shall be on a competitive basis.

20 (4) COST-SHARING REQUIREMENT.—In carrying  
21 out this section, the Secretary shall require cost  
22 sharing in accordance with section 988 of the En-  
23 ergy Policy Act of 2005 (42 U.S.C. 16352).

24 (d) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There are authorized to be  
2 appropriated to the Secretary to carry out this sec-  
3 tion—

4                   (A) \$184,000,000 for fiscal year 2008;

5                   (B) \$190,000,000 for fiscal year 2009;

6                   (C) \$196,000,000 for fiscal year 2010;

7                   (D) \$202,000,000 for fiscal year 2011;

8                   (E) \$208,000,000 for fiscal year 2012; and

9                   (F) such sums as are necessary for fiscal  
10 year 2013 and each fiscal year thereafter.

11           (2) PARTNERSHIP ACTIVITIES.—Of the  
12 amounts made available under paragraph (1), not  
13 less than 50 percent shall be used to pay the Fed-  
14 eral share of partnership activities under subsection  
15 (c).

16 **Subtitle C—Promoting High Effi-**  
17 **ciency Vehicles, Advanced Bat-**  
18 **teries, and Energy Storage**

19 **SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DE-**  
20 **VELOPMENT.**

21           (a) IN GENERAL.—As soon as practicable after the  
22 date of enactment of this Act, the Secretary shall establish  
23 a research and development program to determine ways  
24 in which—



1 including electric drive transportation technology  
2 and advanced diesel vehicles.”.

3 **SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**  
4 **TURING INCENTIVE PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADJUSTED AVERAGE FUEL ECONOMY.—The  
7 term “adjusted average fuel economy” means the av-  
8 erage fuel economy of a manufacturer for all light  
9 duty vehicles produced by the manufacturer, ad-  
10 justed such that the fuel economy of each vehicle  
11 that qualifies for an award shall be considered to be  
12 equal to the average fuel economy for vehicles of a  
13 similar footprint for model year 2005.

14 (2) ADVANCED TECHNOLOGY VEHICLE.—The  
15 term “advanced technology vehicle” means a light  
16 duty vehicle that meets—

17 (A) the Bin 5 Tier II emission standard  
18 established in regulations issued by the Admin-  
19 istrator of the Environmental Protection Agen-  
20 cy under section 202(i) of the Clean Air Act  
21 (42 U.S.C. 7521(i)), or a lower-numbered Bin  
22 emission standard;

23 (B) any new emission standard for fine  
24 particulate matter prescribed by the Adminis-

1           trator under that Act (42 U.S.C. 7401 et seq.);  
2           and

3           (C) at least 125 percent of the average  
4           base year combined fuel economy, calculated on  
5           an energy-equivalent basis, for vehicles of a  
6           substantially similar footprint.

7           (3) COMBINED FUEL ECONOMY.—The term  
8           “combined fuel economy” means—

9           (A) the combined city/highway miles per  
10          gallon values, as reported in accordance with  
11          section 32908 of title 49, United States Code;  
12          and

13          (B) in the case of an electric drive vehicle  
14          with the ability to recharge from an off-board  
15          source, the reported mileage, as determined in  
16          a manner consistent with the Society of Auto-  
17          motive Engineers recommended practice for  
18          that configuration or a similar practice rec-  
19          ommended by the Secretary, using a petroleum  
20          equivalence factor for the off-board electricity  
21          (as defined in section 474 of title 10, Code of  
22          Federal Regulations).

23          (4) ENGINEERING INTEGRATION COSTS.—The  
24          term “engineering integration costs” includes the  
25          cost of engineering tasks relating to—

1 (A) incorporating qualifying components  
2 into the design of advanced technology vehicles;  
3 and

4 (B) designing new tooling and equipment  
5 for production facilities that produce qualifying  
6 components or advanced technology vehicles.

7 (5) QUALIFYING COMPONENTS.—The term  
8 “qualifying components” means components that the  
9 Secretary determines to be—

10 (A) specially designed for advanced tech-  
11 nology vehicles; and

12 (B) installed for the purpose of meeting  
13 the performance requirements of advanced tech-  
14 nology vehicles.

15 (b) ADVANCED VEHICLES MANUFACTURING FACIL-  
16 ITY.—The Secretary shall provide facility funding awards  
17 under this section to automobile manufacturers and com-  
18 ponent suppliers to pay not more than 30 percent of the  
19 cost of—

20 (1) reequipping, expanding, or establishing a  
21 manufacturing facility in the United States to  
22 produce—

23 (A) qualifying advanced technology vehi-  
24 cles; or

25 (B) qualifying components; and

1           (2) engineering integration performed in the  
2           United States of qualifying vehicles and qualifying  
3           components.

4           (c) PERIOD OF AVAILABILITY.—An award under sub-  
5           section (b) shall apply to—

6           (1) facilities and equipment placed in service  
7           before December 30, 2017; and

8           (2) engineering integration costs incurred dur-  
9           ing the period beginning on the date of enactment  
10          of this Act and ending on December 30, 2017.

11          (d) IMPROVEMENT.—The Secretary shall issue regu-  
12          lations that require that, in order for an automobile manu-  
13          facturer to be eligible for an award under this section dur-  
14          ing a particular year, the adjusted average fuel economy  
15          of the manufacturer for light duty vehicles produced by  
16          the manufacturer during the most recent year for which  
17          data are available shall be not less than the average fuel  
18          economy for all light duty vehicles of the manufacturer  
19          for model year 2005.

20          **SEC. 244. ENERGY STORAGE COMPETITIVENESS.**

21          (a) SHORT TITLE.—This section may be cited as the  
22          “United States Energy Storage Competitiveness Act of  
23          2007”.

1 (b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANS-  
2 PORTATION AND ELECTRICITY TRANSMISSION AND DIS-  
3 TRIBUTION.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) COUNCIL.—The term “Council” means  
6 the Energy Storage Advisory Council estab-  
7 lished under paragraph (3).

8 (B) COMPRESSED AIR ENERGY STOR-  
9 AGE.—The term “compressed air energy stor-  
10 age” means, in the case of an electricity grid  
11 application, the storage of energy through the  
12 compression of air.

13 (C) DEPARTMENT.—The term “Depart-  
14 ment” means the Department of Energy.

15 (D) FLYWHEEL.—The term “flywheel”  
16 means, in the case of an electricity grid applica-  
17 tion, a device used to store rotational kinetic  
18 energy.

19 (E) ULTRACAPACITOR.—The term  
20 “ultracapacitor” means an energy storage de-  
21 vice that has a power density comparable to  
22 conventional capacitors but capable of exceeding  
23 the energy density of conventional capacitors by  
24 several orders of magnitude.

1           (2) PROGRAM.—The Secretary shall carry out a  
2           research, development, and demonstration program  
3           to support the ability of the United States to remain  
4           globally competitive in energy storage systems for  
5           motor transportation and electricity transmission  
6           and distribution.

7           (3) ENERGY STORAGE ADVISORY COUNCIL.—

8           (A) ESTABLISHMENT.—Not later than 90  
9           days after the date of enactment of this Act,  
10          the Secretary shall establish an Energy Storage  
11          Advisory Council.

12          (B) COMPOSITION.—

13           (i) IN GENERAL.—Subject to clause  
14           (ii), the Council shall consist of not less  
15           than 15 individuals appointed by the Sec-  
16           retary, based on recommendations of the  
17           National Academy of Sciences.

18           (ii) ENERGY STORAGE INDUSTRY.—  
19           The Council shall consist primarily of rep-  
20           resentatives of the energy storage industry  
21           of the United States.

22           (iii) CHAIRPERSON.—The Secretary  
23           shall select a Chairperson for the Council  
24           from among the members appointed under  
25           clause (i).

1 (C) MEETINGS.—

2 (i) IN GENERAL.—The Council shall  
3 meet not less than once a year.

4 (ii) FEDERAL ADVISORY COMMITTEE  
5 ACT.—The Federal Advisory Committee  
6 Act (5 U.S.C. App. 2) shall apply to a  
7 meeting of the Council.

8 (D) PLANS.—No later than 1 year after  
9 the date of enactment of this Act, in conjunc-  
10 tion with the Secretary, the Council shall de-  
11 velop 5-year plans for integrating basic and ap-  
12 plied research so that the United States retains  
13 a globally competitive domestic energy storage  
14 industry for motor transportation and elec-  
15 tricity transmission and distribution.

16 (E) REVIEW.—The Council shall—

17 (i) assess the performance of the De-  
18 partment in meeting the goals of the plans  
19 developed under subparagraph (D); and

20 (ii) make specific recommendations to  
21 the Secretary on programs or activities  
22 that should be established or terminated to  
23 meet those goals.

24 (4) BASIC RESEARCH PROGRAM.—

1 (A) BASIC RESEARCH.—The Secretary  
2 shall conduct a basic research program on en-  
3 ergy storage systems to support motor trans-  
4 portation and electricity transmission and dis-  
5 tribution, including—

6 (i) materials design;

7 (ii) materials synthesis and character-  
8 ization;

9 (iii) electrolytes, including bioelectro-  
10 lytes;

11 (iv) surface and interface dynamics;

12 and

13 (v) modeling and simulation.

14 (B) NANOSCIENCE CENTERS.—The Sec-  
15 retary shall ensure that the nanoscience centers  
16 of the Department—

17 (i) support research in the areas de-  
18 scribed in subparagraph (A), as part of the  
19 mission of the centers; and

20 (ii) coordinate activities of the centers  
21 with activities of the Council.

22 (5) APPLIED RESEARCH PROGRAM.—The Sec-  
23 retary shall conduct an applied research program on  
24 energy storage systems to support motor transpor-

1 tation and electricity transmission and distribution  
2 technologies, including—

3 (A) ultracapacitors;

4 (B) flywheels;

5 (C) batteries;

6 (D) compressed air energy systems;

7 (E) power conditioning electronics; and

8 (F) manufacturing technologies for energy  
9 storage systems.

10 (6) ENERGY STORAGE RESEARCH CENTERS.—

11 (A) IN GENERAL.—The Secretary shall es-  
12 tablish, through competitive bids, 4 energy stor-  
13 age research centers to translate basic research  
14 into applied technologies to advance the capa-  
15 bility of the United States to maintain a glob-  
16 ally competitive posture in energy storage sys-  
17 tems for motor transportation and electricity  
18 transmission and distribution.

19 (B) PROGRAM MANAGEMENT.—The centers  
20 shall be jointly managed by the Under Sec-  
21 retary for Science and the Under Secretary of  
22 Energy of the Department.

23 (C) PARTICIPATION AGREEMENTS.—As a  
24 condition of participating in a center, a partici-  
25 pant shall enter into a participation agreement

1 with the center that requires that activities con-  
2 ducted by the participant for the center pro-  
3 mote the goal of enabling the United States to  
4 compete successfully in global energy storage  
5 markets.

6 (D) PLANS.—A center shall conduct activi-  
7 ties that promote the achievement of the goals  
8 of the plans of the Council under paragraph  
9 (3)(D).

10 (E) COST SHARING.—In carrying out this  
11 paragraph, the Secretary shall require cost-  
12 sharing in accordance with section 988 of the  
13 Energy Policy Act of 2005 (42 U.S.C. 16352).

14 (F) NATIONAL LABORATORIES.—A na-  
15 tional laboratory (as defined in section 2 of the  
16 Energy Policy Act of 2005 (42 U.S.C. 15801))  
17 may participate in a center established under  
18 this paragraph, including a cooperative research  
19 and development agreement (as defined in sec-  
20 tion 12(d) of the Stevenson-Wydler Technology  
21 Innovation Act of 1980 (15 U.S.C. 3710a(d))).

22 (G) INTELLECTUAL PROPERTY.—A partici-  
23 pant shall be provided appropriate intellectual  
24 property rights commensurate with the nature

1 of the participation agreement of the partici-  
2 pant.

3 (7) REVIEW BY NATIONAL ACADEMY OF  
4 SCIENCES.—Not later than 5 years after the date of  
5 enactment of this Act, the Secretary shall offer to  
6 enter into an arrangement with the National Acad-  
7 emy of Sciences to assess the performance of the  
8 Department in making the United States globally  
9 competitive in energy storage systems for motor  
10 transportation and electricity transmission and dis-  
11 tribution.

12 (8) AUTHORIZATION OF APPROPRIATIONS.—  
13 There are authorized to be appropriated to carry  
14 out—

15 (A) the basic research program under  
16 paragraph (4) \$50,000,000 for each of fiscal  
17 years 2008 through 2017;

18 (B) the applied research program under  
19 paragraph (5) \$80,000,000 for each of fiscal  
20 years 2008 through 2017; and;

21 (C) the energy storage research center pro-  
22 gram under paragraph (6) \$100,000,000 for  
23 each of fiscal years 2008 through 2017.

1 **SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY**  
2 **PROGRAM.**

3 (a) **ELECTRIC DRIVE VEHICLE DEMONSTRATION**  
4 **PROGRAM.—**

5 (1) **DEFINITION OF ELECTRIC DRIVE VEHI-**  
6 **CLE.—**In this subsection, the term “electric drive ve-  
7 hicle” means a precommercial vehicle that—

8 (A) draws motive power from a battery  
9 with at least 4 kilowatt-hours of electricity;

10 (B) can be recharged from an external  
11 source of electricity for motive power; and

12 (C) is a light-, medium-, or heavy-duty  
13 onroad or nonroad vehicle.

14 (2) **PROGRAM.—**The Secretary shall establish a  
15 competitive program to provide grants for dem-  
16 onstrations of electric drive vehicles.

17 (3) **ELIGIBILITY.—**A State government, local  
18 government, metropolitan transportation authority,  
19 air pollution control district, private entity, and non-  
20 profit entity shall be eligible to receive a grant under  
21 this subsection.

22 (4) **PRIORITY.—**In making grants under this  
23 subsection, the Secretary shall give priority to pro-  
24 posals that—

1 (A) are likely to contribute to the commer-  
2 cialization and production of electric drive vehi-  
3 cles in the United States; and

4 (B) reduce petroleum usage.

5 (5) SCOPE OF DEMONSTRATIONS.—The Sec-  
6 retary shall ensure, to the extent practicable, that  
7 the program established under this subsection in-  
8 cludes a variety of applications, manufacturers, and  
9 end-uses.

10 (6) REPORTING.—The Secretary shall require a  
11 grant recipient under this subsection to submit to  
12 the Secretary, on an annual basis, data relating to  
13 vehicle, performance, life cycle costs, and emissions  
14 of vehicles demonstrated under the grant, including  
15 emissions of greenhouse gases.

16 (7) COST SHARING.—Section 988 of the Energy  
17 Policy Act of 2005 (42 U.S.C. 16352) shall apply to  
18 a grant made under this subsection.

19 (8) AUTHORIZATIONS OF APPROPRIATIONS.—  
20 There are authorized to be appropriated to carry out  
21 this subsection \$60,000,000 for each of fiscal years  
22 2008 through 2012, of which not less than  
23 \$20,000,000 shall be available each fiscal year only  
24 to make grants local and municipal governments.

1 (b) NEAR-TERM OIL SAVING TRANSPORTATION DE-  
2 PLOYMENT PROGRAM.—

3 (1) DEFINITION OF QUALIFIED TRANSPOR-  
4 TATION PROJECT.—In this subsection, the term  
5 “qualified transportation project” means—

6 (A) a project that simultaneously reduces  
7 emissions of criteria pollutants, greenhouse gas  
8 emissions, and petroleum usage by at least 40  
9 percent as compared to commercially available,  
10 petroleum-based technologies used in nonroad  
11 vehicles; and

12 (B) an electrification project involving  
13 onroad commercial trucks, rail transportation,  
14 or ships, and any associated infrastructure (in-  
15 cluding any panel upgrades, battery chargers,  
16 trenching, and alternative fuel infrastructure).

17 (2) PROGRAM.—Not later than 1 year after the  
18 date of enactment of this Act, the Secretary, in con-  
19 sultation with the Secretary of Transportation, shall  
20 establish a program to provide grants to eligible en-  
21 tities for the conduct of qualified transportation  
22 projects.

23 (3) PRIORITY.—In providing grants under this  
24 subsection, the Secretary shall give priority to large-

1 scale projects and large-scale aggregators of  
2 projects.

3 (4) COST SHARING.—Section 988 of the Energy  
4 Policy Act of 2005 (42 U.S.C. 16352) shall apply to  
5 a grant made under this subsection.

6 (5) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to carry this subsection  
8 \$90,000,000 for each of fiscal years 2008 through  
9 2013.

## 10 **Subtitle D—Setting Energy** 11 **Efficiency Goals**

### 12 **SEC. 251. NATIONAL GOALS FOR ENERGY SAVINGS IN** 13 **TRANSPORTATION.**

14 (a) GOALS.—The goals of the United States are to  
15 reduce gasoline usage in the United States from the levels  
16 projected under subsection (b) by—

- 17 (1) 20 percent by calendar year 2017;
- 18 (2) 35 percent by calendar year 2025; and
- 19 (3) 45 percent by calendar year 2030.

20 (b) MEASUREMENT.—For purposes of subsection (a),  
21 reduction in gasoline usage shall be measured from the  
22 estimates for each year in subsection (a) contained in the  
23 reference case in the report of the Energy Information Ad-  
24 ministration entitled “Annual Energy Outlook 2007”.

25 (c) STRATEGIC PLAN.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this Act, the Secretary, in  
3 cooperation with the Administrator of the Environ-  
4 mental Protection Agency and the heads of other ap-  
5 propriate Federal agencies, shall develop a strategic  
6 plan to achieve the national goals for reduction in  
7 gasoline usage established under subsection (a).

8           (2) PUBLIC INPUT AND COMMENT.—The Sec-  
9 retary shall develop the plan in a manner that pro-  
10 vides appropriate opportunities for public comment.

11 (d) PLAN CONTENTS.—The strategic plan shall—

12           (1) establish future regulatory, funding, and  
13 policy priorities to ensure compliance with the na-  
14 tional goals;

15           (2) include energy savings estimates for each  
16 sector; and

17           (3) include data collection methodologies and  
18 compilations used to establish baseline and energy  
19 savings data.

20 (e) PLAN UPDATES.—

21           (1) IN GENERAL.—The Secretary shall—

22           (A) update the strategic plan biennially;

23           and

24           (B) include the updated strategic plan in

25           the national energy policy plan required by sec-

1           tion 801 of the Department of Energy Organi-  
2           zation Act (42 U.S.C. 7321).

3           (2) CONTENTS.—In updating the plan, the Sec-  
4           retary shall—

5                   (A) report on progress made toward imple-  
6                   menting efficiency policies to achieve the na-  
7                   tional goals established under subsection (a);  
8                   and

9                   (B) to the maximum extent practicable,  
10                  verify energy savings resulting from the poli-  
11                  cies.

12          (f) REPORT TO CONGRESS AND PUBLIC.—The Sec-  
13          retary shall submit to Congress, and make available to the  
14          public, the initial strategic plan developed under sub-  
15          section (c) and each updated plan.

16      **SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT**  
17                                      **GOALS.**

18          (a) GOALS.—The goals of the United States are—

19                  (1) to achieve an improvement in the overall en-  
20                  ergy productivity of the United States (measured in  
21                  gross domestic product per unit of energy input) of  
22                  at least 2.5 percent per year by the year 2012; and

23                  (2) to maintain that annual rate of improve-  
24                  ment each year through 2030.

25          (b) STRATEGIC PLAN.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this Act, the Secretary, in  
3 cooperation with the Administrator of the Environ-  
4 mental Protection Agency and the heads of other ap-  
5 propriate Federal agencies, shall develop a strategic  
6 plan to achieve the national goals for improvement  
7 in energy productivity established under subsection  
8 (a).

9           (2) PUBLIC INPUT AND COMMENT.—The Sec-  
10 retary shall develop the plan in a manner that pro-  
11 vides appropriate opportunities for public input and  
12 comment.

13           (c) PLAN CONTENTS.—The strategic plan shall—

14               (1) establish future regulatory, funding, and  
15 policy priorities to ensure compliance with the na-  
16 tional goals;

17               (2) include energy savings estimates for each  
18 sector; and

19               (3) include data collection methodologies and  
20 compilations used to establish baseline and energy  
21 savings data.

22           (d) PLAN UPDATES.—

23               (1) IN GENERAL.—The Secretary shall—

24                       (A) update the strategic plan biennially;

25                       and

1 (B) include the updated strategic plan in  
2 the national energy policy plan required by sec-  
3 tion 801 of the Department of Energy Organi-  
4 zation Act (42 U.S.C. 7321).

5 (2) CONTENTS.—In updating the plan, the Sec-  
6 retary shall—

7 (A) report on progress made toward imple-  
8 menting efficiency policies to achieve the na-  
9 tional goals established under subsection (a);  
10 and

11 (B) verify, to the maximum extent prac-  
12 ticable, energy savings resulting from the poli-  
13 cies.

14 (e) REPORT TO CONGRESS AND PUBLIC.—The Sec-  
15 retary shall submit to Congress, and make available to the  
16 public, the initial strategic plan developed under sub-  
17 section (b) and each updated plan.

18 **SEC. 253. NATIONAL MEDIA CAMPAIGN.**

19 (a) IN GENERAL.—The Secretary, acting through the  
20 Assistant Secretary for Energy Efficiency and Renewable  
21 Energy (referred to in this section as the “Secretary”),  
22 shall develop and conduct a national media campaign—

23 (1) to increase energy efficiency throughout the  
24 economy of the United States over the next decade;

1           (2) to promote the national security benefits as-  
2           sociated with increased energy efficiency; and

3           (3) to decrease oil consumption in the United  
4           States over the next decade.

5           (b) CONTRACT WITH ENTITY.—The Secretary shall  
6           carry out subsection (a) directly or through—

7           (1) competitively bid contracts with 1 or more  
8           nationally recognized media firms for the develop-  
9           ment and distribution of monthly television, radio,  
10          and newspaper public service announcements; or

11          (2) collective agreements with 1 or more nation-  
12          ally recognized institutes, businesses, or nonprofit  
13          organizations for the funding, development, and dis-  
14          tribution of monthly television, radio, and newspaper  
15          public service announcements.

16          (c) USE OF FUNDS.—

17          (1) IN GENERAL.—Amounts made available to  
18          carry out this section shall be used for the following:

19                  (A) ADVERTISING COSTS.—

20                          (i) The purchase of media time and  
21                          space.

22                          (ii) Creative and talent costs.

23                          (iii) Testing and evaluation of adver-  
24                          tising.

1 (iv) Evaluation of the effectiveness of  
2 the media campaign.

3 (B) ADMINISTRATIVE COSTS.—Operational  
4 and management expenses.

5 (2) LIMITATIONS.—In carrying out this section,  
6 the Secretary shall allocate not less than 85 percent  
7 of funds made available under subsection (e) for  
8 each fiscal year for the advertising functions speci-  
9 fied under paragraph (1)(A).

10 (d) REPORTS.—The Secretary shall annually submit  
11 to Congress a report that describes—

12 (1) the strategy of the national media campaign  
13 and whether specific objectives of the campaign were  
14 accomplished, including—

15 (A) determinations concerning the rate of  
16 change of energy consumption, in both absolute  
17 and per capita terms; and

18 (B) an evaluation that enables consider-  
19 ation whether the media campaign contributed  
20 to reduction of energy consumption;

21 (2) steps taken to ensure that the national  
22 media campaign operates in an effective and effi-  
23 cient manner consistent with the overall strategy  
24 and focus of the campaign;

1           (3) plans to purchase advertising time and  
2 space;

3           (4) policies and practices implemented to ensure  
4 that Federal funds are used responsibly to purchase  
5 advertising time and space and eliminate the poten-  
6 tial for waste, fraud, and abuse; and

7           (5) all contracts or cooperative agreements en-  
8 tered into with a corporation, partnership, or indi-  
9 vidual working on behalf of the national media cam-  
10 paign.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—

12           (1) IN GENERAL.—There is authorized to be  
13 appropriated to carry out this section \$5,000,000 for  
14 each of fiscal years 2008 through 2012.

15           (2) DECREASED OIL CONSUMPTION.—The Sec-  
16 retary shall use not less than 50 percent of the  
17 amount that is made available under this section for  
18 each fiscal year to develop and conduct a national  
19 media campaign to decrease oil consumption in the  
20 United States over the next decade.

21 **SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.**

22           (a) STATEMENT OF POLICY.—It is the policy of the  
23 United States that developing and deploying advanced  
24 technology to modernize and increase the efficiency of the  
25 electricity grid system of the United States is essential to

1 maintain a reliable and secure electricity transmission and  
2 distribution infrastructure that can meet future demand  
3 growth.

4 (b) PROGRAMS.—The Secretary, the Federal Energy  
5 Regulatory Commission, and other Federal agencies, as  
6 appropriate, shall carry out programs to support the use,  
7 development, and demonstration of advanced transmission  
8 and distribution technologies, including real-time moni-  
9 toring and analytical software—

10 (1) to maximize the capacity and efficiency of  
11 electricity networks;

12 (2) to enhance grid reliability;

13 (3) to reduce line losses;

14 (4) to facilitate the transition to real-time elec-  
15 tricity pricing;

16 (5) to allow grid incorporation of more onsite  
17 renewable energy generators;

18 (6) to enable electricity to displace a portion of  
19 the petroleum used to power the national transpor-  
20 tation system of the United States; and

21 (7) to enable broad deployment of distributed  
22 generation and demand side management tech-  
23 nology.

1 **Subtitle E—Promoting Federal**  
2 **Leadership in Energy Efficiency**  
3 **and Renewable Energy**

4 **SEC. 261. FEDERAL FLEET CONSERVATION REQUIRE-**  
5 **MENTS.**

6 (a) FEDERAL FLEET CONSERVATION REQUIRE-  
7 MENTS.—

8 (1) IN GENERAL.—Part J of title III of the En-  
9 ergy Policy and Conservation Act (42 U.S.C. 6374  
10 et seq.) is amended by adding at the end the fol-  
11 lowing:

12 **“SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIRE-**  
13 **MENTS.**

14 **“(a) MANDATORY REDUCTION IN PETROLEUM CON-**  
15 **SUMPTION.—**

16 **“(1) IN GENERAL.—**The Secretary shall issue  
17 regulations (including provisions for waivers from  
18 the requirements of this section) for Federal fleets  
19 subject to section 400AA requiring that not later  
20 than October 1, 2015, each Federal agency achieve  
21 at least a 20 percent reduction in petroleum con-  
22 sumption, and that each Federal agency increase al-  
23 ternative fuel consumption by 10 percent annually,  
24 as calculated from the baseline established by the  
25 Secretary for fiscal year 2005.

1 “(2) PLAN.—

2 “(A) REQUIREMENT.—The regulations  
3 shall require each Federal agency to develop a  
4 plan to meet the required petroleum reduction  
5 levels and the alternative fuel consumption in-  
6 creases.

7 “(B) MEASURES.—The plan may allow an  
8 agency to meet the required petroleum reduc-  
9 tion level through—

10 “(i) the use of alternative fuels;

11 “(ii) the acquisition of vehicles with  
12 higher fuel economy, including hybrid vehi-  
13 cles, neighborhood electric vehicles, electric  
14 vehicles, and plug-in hybrid vehicles if the  
15 vehicles are commercially available;

16 “(iii) the substitution of cars for light  
17 trucks;

18 “(iv) an increase in vehicle load fac-  
19 tors;

20 “(v) a decrease in vehicle miles trav-  
21 eled;

22 “(vi) a decrease in fleet size; and

23 “(vii) other measures.

24 “(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS  
25 FOR REDUCING PETROLEUM CONSUMPTION.—

1           “(1) IN GENERAL.—Each Federal agency shall  
2 actively promote incentive programs that encourage  
3 Federal employees and contractors to reduce petro-  
4 leum usage through the use of practices such as—

5                   “(A) telecommuting;

6                   “(B) public transit;

7                   “(C) carpooling; and

8                   “(D) bicycling.

9           “(2) MONITORING AND SUPPORT FOR INCEN-  
10 TIVE PROGRAMS.—The Administrator of General  
11 Services, the Director of the Office of Personnel  
12 Management, and the Secretary of Energy shall  
13 monitor and provide appropriate support to agency  
14 programs described in paragraph (1).

15           “(3) RECOGNITION.—The Secretary may estab-  
16 lish a program under which the Secretary recognizes  
17 private sector employers and State and local govern-  
18 ments for outstanding programs to reduce petroleum  
19 usage through practices described in paragraph (1).

20           “(c) REPLACEMENT TIRES.—

21           “(1) IN GENERAL.—Except as provided in para-  
22 graph (2), the regulations issued under subsection  
23 (a)(1) shall include a requirement that, to the max-  
24 imum extent practicable, each Federal agency pur-

1 chase energy-efficient replacement tires for the re-  
2 spective fleet vehicles of the agency.

3 “(2) EXCEPTIONS.—This section does not apply  
4 to—

5 “(A) law enforcement motor vehicles;

6 “(B) emergency motor vehicles; or

7 “(C) motor vehicles acquired and used for  
8 military purposes that the Secretary of Defense  
9 has certified to the Secretary must be exempt  
10 for national security reasons.

11 “(d) ANNUAL REPORTS ON COMPLIANCE.—The Sec-  
12 retary shall submit to Congress an annual report that  
13 summarizes actions taken by Federal agencies to comply  
14 with this section.”.

15 (2) TABLE OF CONTENTS AMENDMENT.—The  
16 table of contents of the Energy Policy and Conserva-  
17 tion Act (42 U.S.C. prec. 6201) is amended by add-  
18 ing at the end of the items relating to part J of title  
19 III the following:

“Sec. 400FF. Federal fleet conservation requirements.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out the amendment  
22 made by this section \$10,000,000 for the period of fiscal  
23 years 2008 through 2013.

1 **SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELEC-**  
2 **TRICITY GENERATED BY RENEWABLE EN-**  
3 **ERGY.**

4 Section 203 of the Energy Policy Act of 2005 (42  
5 U.S.C. 15852) is amended—

6 (1) by striking subsection (a) and inserting the  
7 following:

8 “(a) REQUIREMENT.—

9 “(1) IN GENERAL.—The President, acting  
10 through the Secretary, shall require that, to the ex-  
11 tent economically feasible and technically prac-  
12 ticable, of the total quantity of domestic electric en-  
13 ergy the Federal Government consumes during any  
14 fiscal year, the following percentages shall be renew-  
15 able energy from facilities placed in service after  
16 January 1, 1999:

17 “(A) Not less than 10 percent in fiscal  
18 year 2010.

19 “(B) Not less than 15 percent in fiscal  
20 year 2015.

21 “(2) CAPITOL COMPLEX.—The Architect of the  
22 Capitol, in consultation with the Secretary, shall en-  
23 sure that, of the total quantity of electric energy the  
24 Capitol complex consumes during any fiscal year, the  
25 percentages prescribed in paragraph (1) shall be re-  
26 newable energy.

1           “(3) WAIVER AUTHORITY.—The President may  
2       reduce or waive the requirement under paragraph  
3       (1) on a fiscal-year basis if the President determines  
4       that complying with paragraph (1) for a fiscal year  
5       would result in—

6           “(A) a negative impact on military training  
7       or readiness activities conducted by the Depart-  
8       ment of Defense;

9           “(B) a negative impact on domestic pre-  
10      paredness activities conducted by the Depart-  
11      ment of Homeland Security; or

12          “(C) a requirement that a Federal agency  
13      provide emergency response services in the  
14      event of a natural disaster or terrorist attack.”;  
15      and

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

17      “(e) CONTRACTS FOR RENEWABLE ENERGY FROM  
18      PUBLIC UTILITY SERVICES.—Notwithstanding section  
19      501(b)(1)(B) of title 40, United States Code, a contract  
20      for renewable energy from a public utility service may be  
21      made for a period of not more than 50 years.”.

22      **SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

23          (a) RETENTION OF SAVINGS.—Section 546(c) of the  
24      National Energy Conservation Policy Act (42 U.S.C.  
25      8256(c)) is amended by striking paragraph (5).

1 (b) SUNSET AND REPORTING REQUIREMENTS.—Sec-  
2 tion 801 of the National Energy Conservation Policy Act  
3 (42 U.S.C. 8287) is amended by striking subsection (c).

4 (c) DEFINITION OF ENERGY SAVINGS.—Section  
5 804(2) of the National Energy Conservation Policy Act  
6 (42 U.S.C. 8287c(2)) is amended—

7 (1) by redesignating subparagraphs (A), (B),  
8 and (C) as clauses (i), (ii), and (iii), respectively,  
9 and indenting appropriately;

10 (2) by striking “means a reduction” and insert-  
11 ing “means—

12 “(A) a reduction”;

13 (3) by striking the period at the end and insert-  
14 ing a semicolon; and

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

16 “(B) the increased efficient use of an exist-  
17 ing energy source by cogeneration or heat re-  
18 covery, and installation of renewable energy sys-  
19 tems;

20 “(C) if otherwise authorized by Federal or  
21 State law (including regulations), the sale or  
22 transfer of electrical or thermal energy gen-  
23 erated on-site from renewable energy sources or  
24 cogeneration, but in excess of Federal needs, to  
25 utilities or non-Federal energy users; and

1           “(D) the increased efficient use of existing  
2           water sources in interior or exterior applica-  
3           tions.”.

4           (d) NOTIFICATION.—

5           (1) AUTHORITY TO ENTER INTO CONTRACTS.—

6           Section 801(a)(2)(D) of the National Energy Con-  
7           servation Policy Act (42 U.S.C. 8287(a)(2)(D)) is  
8           amended—

9           (A) in clause (ii), by inserting “and” after  
10          the semicolon at the end;

11          (B) by striking clause (iii); and

12          (C) by redesignating clause (iv) as clause  
13          (iii).

14          (2) REPORTS.—Section 548(a)(2) of the Na-  
15          tional Energy Conservation Policy Act (42 U.S.C.  
16          8258(a)(2)) is amended by inserting “and any ter-  
17          mination penalty exposure” after “the energy and  
18          cost savings that have resulted from such con-  
19          tracts”.

20          (3) CONFORMING AMENDMENT.—Section 2913  
21          of title 10, United States Code, is amended by strik-  
22          ing subsection (e).

23          (e) ENERGY AND COST SAVINGS IN NONBUILDING  
24          APPLICATIONS.—

25          (1) DEFINITIONS.—In this subsection:

1 (A) NONBUILDING APPLICATION.—The  
2 term “nonbuilding application” means—

3 (i) any class of vehicles, devices, or  
4 equipment that is transportable under the  
5 power of the applicable vehicle, device, or  
6 equipment by land, sea, or air and that  
7 consumes energy from any fuel source for  
8 the purpose of—

9 (I) that transportation; or

10 (II) maintaining a controlled en-  
11 vironment within the vehicle, device,  
12 or equipment; and

13 (ii) any federally-owned equipment  
14 used to generate electricity or transport  
15 water.

16 (B) SECONDARY SAVINGS.—

17 (i) IN GENERAL.—The term “sec-  
18 ondary savings” means additional energy  
19 or cost savings that are a direct con-  
20 sequence of the energy savings that result  
21 from the energy efficiency improvements  
22 that were financed and implemented pur-  
23 suant to an energy savings performance  
24 contract.

1 (ii) INCLUSIONS.—The term “sec-  
2 ondary savings” includes—

3 (I) energy and cost savings that  
4 result from a reduction in the need  
5 for fuel delivery and logistical support;

6 (II) personnel cost savings and  
7 environmental benefits; and

8 (III) in the case of electric gen-  
9 eration equipment, the benefits of in-  
10 creased efficiency in the production of  
11 electricity, including revenues received  
12 by the Federal Government from the  
13 sale of electricity so produced.

14 (2) STUDY.—

15 (A) IN GENERAL.—As soon as practicable  
16 after the date of enactment of this Act, the Sec-  
17 retary and the Secretary of Defense shall joint-  
18 ly conduct, and submit to Congress and the  
19 President a report of, a study of the potential  
20 for the use of energy savings performance con-  
21 tracts to reduce energy consumption and pro-  
22 vide energy and cost savings in nonbuilding ap-  
23 plications.

24 (B) REQUIREMENTS.—The study under  
25 this subsection shall include—

1 (i) an estimate of the potential energy  
2 and cost savings to the Federal Govern-  
3 ment, including secondary savings and  
4 benefits, from increased efficiency in non-  
5 building applications;

6 (ii) an assessment of the feasibility of  
7 extending the use of energy savings per-  
8 formance contracts to nonbuilding applica-  
9 tions, including an identification of any  
10 regulatory or statutory barriers to such  
11 use; and

12 (iii) such recommendations as the  
13 Secretary and Secretary of Defense deter-  
14 mine to be appropriate.

15 **SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR**  
16 **FEDERAL BUILDINGS.**

17 Section 543(a)(1) of the National Energy Conserva-  
18 tion Policy Act (42 U.S.C. 8253(a)(1)) is amended by  
19 striking the table and inserting the following:

<b>“Fiscal Year</b>	<b>Percentage reduction</b>
2006 .....	2
2007 .....	4
2008 .....	9
2009 .....	12
2010 .....	15
2011 .....	18
2012 .....	21
2013 .....	24
2014 .....	27
2015 .....	30.”.

1 **SEC. 265. COMBINED HEAT AND POWER AND DISTRICT EN-**  
2 **ERGY INSTALLATIONS AT FEDERAL SITES.**

3 Section 543 of the National Energy Conservation  
4 Policy Act (42 U.S.C. 8253) is amended by adding at the  
5 end the following:

6 “(f) COMBINED HEAT AND POWER AND DISTRICT  
7 ENERGY INSTALLATIONS AT FEDERAL SITES.—

8 “(1) IN GENERAL.—Not later than 18 months  
9 after the date of enactment of this subsection, the  
10 Secretary, in consultation with the Administrator of  
11 General Services and the Secretary of Defense, shall  
12 identify Federal sites that could achieve significant  
13 cost-effective energy savings through the use of com-  
14 bined heat and power or district energy installations.

15 “(2) INFORMATION AND TECHNICAL ASSIST-  
16 ANCE.—The Secretary shall provide agencies with  
17 information and technical assistance that will enable  
18 the agencies to take advantage of the energy savings  
19 described in paragraph (1).

20 “(3) ENERGY PERFORMANCE REQUIRE-  
21 MENTS.—Any energy savings from the installations  
22 described in paragraph (1) may be applied to meet  
23 the energy performance requirements for an agency  
24 under subsection (a)(1).”.

1 **SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PER-**  
2 **FORMANCE STANDARDS.**

3 Section 305(a)(3)(A) of the Energy Conservation and  
4 Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

5 (1) in the matter preceding clause (i), by strik-  
6 ing “this paragraph” and by inserting “the Energy  
7 Efficiency Promotion Act of 2007”; and

8 (2) in clause (i)—

9 (A) in subclause (I), by striking “and” at  
10 the end;

11 (B) by redesignating subclause (II) as sub-  
12 clause (III); and

13 (C) by inserting after subclause (I) the fol-  
14 lowing:

15 “(II) the buildings be designed, to the ex-  
16 tent economically feasible and technically prac-  
17 ticable, so that the fossil fuel-generated energy  
18 consumption of the buildings is reduced, as  
19 compared with the fossil fuel-generated energy  
20 consumption by a similar Federal building in  
21 fiscal year 2003 (as measured by Commercial  
22 Buildings Energy Consumption Survey or Resi-  
23 dential Energy Consumption Survey data from  
24 the Energy Information Agency), by the per-  
25 centage specified in the following table:

<b>“Fiscal Year</b>	<b>Percentage reduction</b>
2007 .....	50
2010 .....	60
2015 .....	70
2020 .....	80
2025 .....	90
2030 .....	100;

1           and”.

2   **SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CON-**  
 3                   **SERVATION CODE TO PUBLIC AND ASSISTED**  
 4                   **HOUSING.**

5           Section 109 of the Cranston-Gonzalez National Af-  
 6   fordable Housing Act (42 U.S.C. 12709) is amended—

7           (1) in subsection (a)(1)(C), by striking, “,  
 8           where such standards are determined to be cost ef-  
 9           fective by the Secretary of Housing and Urban De-  
 10          velopment”;

11          (2) in subsection (a)(2)—

12                (A) by striking “the Council of American  
 13                Building Officials Model Energy Code, 1992”  
 14                and inserting “2006 International Energy Con-  
 15                servation Code”; and

16                (B) by striking “, and, with respect to re-  
 17                habilitation and new construction of public and  
 18                assisted housing funded by HOPE VI revital-  
 19                ization grants under section 24 of the United  
 20                States Housing Act of 1937 (42 U.S.C. 1437v),  
 21                the 2003 International Energy Conservation  
 22                Code”;

1 (3) in subsection (b)—

2 (A) in the heading, by striking “MODEL  
3 ENERGY CODE.—” and inserting “INTER-  
4 NATIONAL ENERGY CONSERVATION CODE.—”;

5 (B) after “all new construction” in the  
6 first sentence insert “and rehabilitation”; and

7 (C) by striking “, and, with respect to re-  
8 habilitation and new construction of public and  
9 assisted housing funded by HOPE VI revital-  
10 ization grants under section 24 of the United  
11 States Housing Act of 1937 (42 U.S.C. 1437v),  
12 the 2003 International Energy Conservation  
13 Code”;

14 (4) in subsection (c)—

15 (A) in the heading, by striking “MODEL  
16 ENERGY CODE AND”; and

17 (B) by striking “, or, with respect to reha-  
18 bilitation and new construction of public and  
19 assisted housing funded by HOPE VI revital-  
20 ization grants under section 24 of the United  
21 States Housing Act of 1937 (42 U.S.C. 1437v),  
22 the 2003 International Energy Conservation  
23 Code”;

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

1       “(d) FAILURE TO AMEND THE STANDARDS.—If the  
 2 Secretaries have not, within 1 year after the requirements  
 3 of the 2006 IECC or the ASHRAE Standard 90.1–2004  
 4 are revised, amended the standards or made a determina-  
 5 tion under subsection (c) of this section, and if the Sec-  
 6 retary of Energy has made a determination under section  
 7 304 of the Energy Conservation and Production Act (42  
 8 U.S.C. 6833) that the revised code or standard would im-  
 9 prove energy efficiency, all new construction and rehabili-  
 10 tation of housing specified in subsection (a) shall meet the  
 11 requirements of the revised code or standard.”;

12           (6) by striking “CABO Model Energy Code,  
 13 1992” each place it appears and inserting “the 2006  
 14 IECC”; and

15           (7) by striking “1989” each place it appears  
 16 and inserting “2004”.

17 **SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS**  
 18 **INITIATIVE.**

19 (a) DEFINITIONS.—In this section:

20 (1) CONSORTIUM.—The term “consortium”  
 21 means a working group that is comprised of—

22 (A) individuals representing—

23 (i) 1 or more businesses engaged in—

24 (I) commercial building develop-  
 25 ment;

- 1 (II) construction; or  
2 (III) real estate;  
3 (ii) financial institutions;  
4 (iii) academic or research institutions;  
5 (iv) State or utility energy efficiency  
6 programs;  
7 (v) nongovernmental energy efficiency  
8 organizations; and  
9 (vi) the Federal Government;  
10 (B) 1 or more building designers; and  
11 (C) 1 or more individuals who own or oper-  
12 ate 1 or more buildings.

13 (2) ENERGY EFFICIENT COMMERCIAL BUILD-  
14 ING.—The term “energy efficient commercial build-  
15 ing” means a commercial building that is designed,  
16 constructed, and operated—

- 17 (A) to require a greatly reduced quantity  
18 of energy;  
19 (B) to meet, on an annual basis, the bal-  
20 ance of energy needs of the commercial building  
21 from renewable sources of energy; and  
22 (C) to be economically viable.

23 (3) INITIATIVE.—The term “initiative” means  
24 the Energy Efficient Commercial Buildings Initia-  
25 tive.

1 (b) INITIATIVE.—

2 (1) IN GENERAL.—The Secretary shall enter  
3 into an agreement with the consortium to develop  
4 and carry out the initiative—

5 (A) to reduce the quantity of energy con-  
6 sumed by commercial buildings located in the  
7 United States; and

8 (B) to achieve the development of energy  
9 efficient commercial buildings in the United  
10 States.

11 (2) GOAL OF INITIATIVE.—The goal of the ini-  
12 tiative shall be to develop technologies and practices  
13 and implement policies that lead to energy efficient  
14 commercial buildings for—

15 (A) any commercial building newly con-  
16 structed in the United States by 2030;

17 (B) 50 percent of the commercial building  
18 stock of the United States by 2040; and

19 (C) all commercial buildings in the United  
20 States by 2050.

21 (3) COMPONENTS.—In carrying out the initia-  
22 tive, the Secretary, in collaboration with the consor-  
23 tium, may—

24 (A) conduct research and development on  
25 building design, materials, equipment and con-

1 trols, operation and other practices, integration,  
2 energy use measurement and benchmarking,  
3 and policies;

4 (B) conduct demonstration projects to  
5 evaluate replicable approaches to achieving en-  
6 ergy efficient commercial buildings for a variety  
7 of building types in a variety of climate zones;

8 (C) conduct deployment activities to dis-  
9 seminate information on, and encourage wide-  
10 spread adoption of, technologies, practices, and  
11 policies to achieve energy efficient commercial  
12 buildings; and

13 (D) conduct any other activity necessary to  
14 achieve any goal of the initiative, as determined  
15 by the Secretary, in collaboration with the con-  
16 sortium.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There are authorized to be  
19 appropriated such sums as are necessary to carry  
20 out this section.

21 (2) ADDITIONAL FUNDING.—In addition to  
22 amounts authorized to be appropriated under para-  
23 graph (1), the Secretary may allocate funds from  
24 other appropriations to the initiative without chang-

1 ing the purpose for which the funds are appro-  
2 priated.

3 **Subtitle F—Assisting State and**  
4 **Local Governments in Energy**  
5 **Efficiency**

6 **SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME**  
7 **PERSONS.**

8 Section 422 of the Energy Conservation and Produc-  
9 tion Act (42 U.S.C. 6872) is amended by striking  
10 “\$700,000,000 for fiscal year 2008” and inserting  
11 “\$750,000,000 for each of fiscal years 2008 through  
12 2012”.

13 **SEC. 272. STATE ENERGY CONSERVATION PLANS.**

14 Section 365(f) of the Energy Policy and Conservation  
15 Act (42 U.S.C. 6325(f)) is amended by striking “fiscal  
16 year 2008” and inserting “each of fiscal years 2008  
17 through 2012”.

18 **SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.**

19 (a) **ELECTRIC UTILITIES.**—Section 111(d) of the  
20 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.  
21 2621(d)) is amended by adding at the end the following:

22 “(16) **INTEGRATED RESOURCE PLANNING.**—

23 Each electric utility shall—

24 “(A) integrate energy efficiency resources  
25 into utility, State, and regional plans; and

1           “(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

2  
3           “(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

4  
5           “(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

6                   “(i) align utility incentives with the delivery of cost-effective energy efficiency; and

7  
8                   “(ii) promote energy efficiency investments.

9  
10           “(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

11  
12                   “(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

13  
14                   “(ii) providing utility incentives for the successful management of energy efficiency programs;

15  
16                   “(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy ef-

1 efficiency must be balanced with other objec-  
2 tives;

3 “(iv) adopting rate designs that en-  
4 courage energy efficiency for each cus-  
5 tomer class; and

6 “(v) allowing timely recovery of en-  
7 ergy efficiency-related costs.”.

8 (b) NATURAL GAS UTILITIES.—Section 303(b) of the  
9 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.  
10 3203(b)) is amended by adding at the end the following:

11 “(5) ENERGY EFFICIENCY.—Each natural gas  
12 utility shall—

13 “(A) integrate energy efficiency resources  
14 into the plans and planning processes of the  
15 natural gas utility; and

16 “(B) adopt policies that establish energy  
17 efficiency as a priority resource in the plans  
18 and planning processes of the natural gas util-  
19 ity.

20 “(6) RATE DESIGN MODIFICATIONS TO PRO-  
21 MOTE ENERGY EFFICIENCY INVESTMENTS.—

22 “(A) IN GENERAL.—The rates allowed to  
23 be charged by a natural gas utility shall align  
24 utility incentives with the deployment of cost-ef-  
25 fective energy efficiency.

1           “(B) POLICY OPTIONS.—In complying with  
2           subparagraph (A), each State regulatory au-  
3           thority and each nonregulated utility shall con-  
4           sider—

5                   “(i) separating fixed-cost revenue re-  
6                   covery from the volume of transportation  
7                   or sales service provided to the customer;

8                   “(ii) providing to utilities incentives  
9                   for the successful management of energy  
10                  efficiency programs, such as allowing utili-  
11                  ties to retain a portion of the cost-reducing  
12                  benefits accruing from the programs;

13                  “(iii) promoting the impact on adop-  
14                  tion of energy efficiency as 1 of the goals  
15                  of retail rate design, recognizing that en-  
16                  ergy efficiency must be balanced with other  
17                  objectives; and

18                  “(iv) adopting rate designs that en-  
19                  courage energy efficiency for each cus-  
20                  tomer class.”.

21 **SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE**  
22 **PROGRAM ASSISTANCE.**

23           The Secretary shall provide technical assistance re-  
24           garding the design and implementation of the energy effi-  
25           ciency and demand response programs established under

1 this title, and the amendments made by this title, to State  
 2 energy offices, public utility regulatory commissions, and  
 3 nonregulated utilities through the appropriate national  
 4 laboratories of the Department of Energy.

5 **SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.**

6 Title I of the Housing and Community Development  
 7 Act of 1974 (42 U.S.C. 5301 et seq.) is amended by add-  
 8 ing at the end the following:

9 **“SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.**

10 “(a) DEFINITIONS.—In this section

11 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 12 tity’ means—

13 “(A) a State;

14 “(B) an eligible unit of local government  
 15 within a State; and

16 “(C) an Indian tribe.

17 “(2) ELIGIBLE UNIT OF LOCAL GOVERN-  
 18 MENT.—The term ‘eligible unit of local government’  
 19 means—

20 “(A) a city with a population—

21 “(i) of at least 35,000; or

22 “(ii) that causes the city to be 1 of  
 23 the top 10 most populous cities of the  
 24 State in which the city is located; and

25 “(B) a county with a population—

1 “(i) of at least 200,000; or

2 “(ii) that causes the county to be 1 of  
3 the top 10 most populous counties of the  
4 State in which the county is located.

5 “(3) SECRETARY.—The term ‘Secretary’ means  
6 the Secretary of Energy.

7 “(4) STATE.—The term ‘State’ means—

8 “(A) a State;

9 “(B) the District of Columbia;

10 “(C) the Commonwealth of Puerto Rico;

11 and

12 “(D) any other territory or possession of  
13 the United States.

14 “(b) PURPOSE.—The purpose of this section is to as-  
15 sist State and local governments in implementing strate-  
16 gies—

17 “(1) to reduce fossil fuel emissions created as  
18 a result of activities within the boundaries of the  
19 States or units of local government;

20 “(2) to reduce the total energy use of the  
21 States and units of local government; and

22 “(3) to improve energy efficiency in the trans-  
23 portation sector, building sector, and any other ap-  
24 propriate sectors.

25 “(c) PROGRAM.—

1           “(1) IN GENERAL.—The Secretary shall provide  
2 to eligible entities block grants to carry out eligible  
3 activities (as specified under paragraph (2)) relating  
4 to the implementation of environmentally beneficial  
5 energy strategies.

6           “(2) ELIGIBLE ACTIVITIES.—The Secretary, in  
7 consultation with the Administrator of the Environ-  
8 mental Protection Agency, the Secretary of Trans-  
9 portation, and the Secretary of Housing and Urban  
10 Development, shall establish a list of activities that  
11 are eligible for assistance under the grant program.

12           “(3) ALLOCATION TO STATES AND ELIGIBLE  
13 UNITS OF LOCAL GOVERNMENT.—

14           “(A) IN GENERAL.—Of the amounts made  
15 available to provide grants under this sub-  
16 section, the Secretary shall allocate—

17                   “(i) 70 percent to eligible units of  
18 local government; and

19                   “(ii) 30 percent to States.

20           “(B) DISTRIBUTION TO ELIGIBLE UNITS  
21 OF LOCAL GOVERNMENT.—

22           “(i) IN GENERAL.—The Secretary  
23 shall establish a formula for the distribu-  
24 tion of amounts under subparagraph (A)(i)  
25 to eligible units of local government, taking

1 into account any factors that the Secretary  
2 determines to be appropriate, including the  
3 residential and daytime population of the  
4 eligible units of local government.

5 “(ii) CRITERIA.—Amounts shall be  
6 distributed to eligible units of local govern-  
7 ment under clause (i) only if the eligible  
8 units of local government meet the criteria  
9 for distribution established by the Sec-  
10 retary for units of local government.

11 “(C) DISTRIBUTION TO STATES.—

12 “(i) IN GENERAL.—Of the amounts  
13 provided to States under subparagraph  
14 (A)(ii), the Secretary shall distribute—

15 “(I) at least 1.25 percent to each  
16 State; and

17 “(II) the remainder among the  
18 States, based on a formula, to be de-  
19 termined by the Secretary, that takes  
20 into account the population of the  
21 States and any other criteria that the  
22 Secretary determines to be appro-  
23 priate.

24 “(ii) CRITERIA.—Amounts shall be  
25 distributed to States under clause (i) only

1 if the States meet the criteria for distribu-  
2 tion established by the Secretary for  
3 States.

4 “(iii) LIMITATION ON USE OF STATE  
5 FUNDS.—At least 40 percent of the  
6 amounts distributed to States under this  
7 subparagraph shall be used by the States  
8 for the conduct of eligible activities in non-  
9 entitlement areas in the States, in accord-  
10 ance with any criteria established by the  
11 Secretary.

12 “(4) REPORT.—Not later than 2 years after the  
13 date on which an eligible entity first receives a grant  
14 under this section, and every 2 years thereafter, the  
15 eligible entity shall submit to the Secretary a report  
16 that describes any eligible activities carried out using  
17 assistance provided under this subsection.

18 “(5) AUTHORIZATION OF APPROPRIATIONS.—  
19 There are authorized to be appropriated such sums  
20 as are necessary to carry out this subsection for  
21 each of fiscal years 2008 through 2012.

22 “(d) ENVIRONMENTALLY BENEFICIAL ENERGY  
23 STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

24 “(1) IN GENERAL.—The Secretary shall provide  
25 to each eligible entity that meets the applicable cri-

1       teria under subparagraph (B)(ii) or (C)(ii) of sub-  
2       section (c)(3) a supplemental grant to pay the Fed-  
3       eral share of the total costs of carrying out an activ-  
4       ity relating to the implementation of an environ-  
5       mentally beneficial energy strategy.

6           “(2) REQUIREMENTS.—To be eligible for a  
7       grant under paragraph (1), an eligible entity shall—

8           “(A) demonstrate to the satisfaction of the  
9       Secretary that the eligible entity meets the ap-  
10      plicable criteria under subparagraph (B)(ii) or  
11      (C)(ii) of subsection (c)(3); and

12          “(B) submit to the Secretary for approval  
13      a plan that describes the activities to be funded  
14      by the grant.

15          “(3) COST-SHARING REQUIREMENT.—

16          “(A) FEDERAL SHARE.—The Federal  
17      share of the cost of carrying out any activities  
18      under this subsection shall be 75 percent.

19          “(B) NON-FEDERAL SHARE.—

20           “(i) FORM.—Not more than 50 per-  
21      cent of the non-Federal share may be in  
22      the form of in-kind contributions.

23           “(ii) LIMITATION.—Amounts provided  
24      to an eligible entity under subsection (c)

1           shall not be used toward the non-Federal  
2           share.

3           “(4) MAINTENANCE OF EFFORT.—An eligible  
4           entity shall provide assurances to the Secretary that  
5           funds provided to the eligible entity under this sub-  
6           section will be used only to supplement, not to sup-  
7           plant, the amount of Federal, State, and local funds  
8           otherwise expended by the eligible entity for eligible  
9           activities under this subsection.

10          “(5) AUTHORIZATION OF APPROPRIATIONS.—  
11          There are authorized to be appropriated such sums  
12          as are necessary to carry out this subsection for  
13          each of fiscal years 2008 through 2012.

14          “(e) GRANTS TO OTHER STATES AND COMMU-  
15          NITIES.—

16          “(1) IN GENERAL.—Of the total amount of  
17          funds that are made available each fiscal year to  
18          carry out this section, the Secretary shall use 2 per-  
19          cent of the amount to make competitive grants  
20          under this section to States and units of local gov-  
21          ernment that are not eligible entities or to consortia  
22          of such units of local government.

23          “(2) APPLICATIONS.—To be eligible for a grant  
24          under this subsection, a State, unit of local govern-  
25          ment, or consortia described in paragraph (1) shall

1 apply to the Secretary for a grant to carry out an  
 2 activity that would otherwise be eligible for a grant  
 3 under subsection (c) or (d).

4 “(3) PRIORITY.—In awarding grants under this  
 5 subsection, the Secretary shall give priority to—

6 “(A) States with populations of less than  
 7 2,000,000; and

8 “(B) projects that would result in signifi-  
 9 cant energy efficiency improvements, reductions  
 10 in fossil fuel use, or capital improvements.”.

11 **SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY**  
 12 **GRANTS FOR INSTITUTIONS OF HIGHER EDU-**  
 13 **CATION.**

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

17 **“SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY**  
 18 **GRANTS FOR INSTITUTIONS OF HIGHER EDU-**  
 19 **CATION.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) ENERGY SUSTAINABILITY.—The term ‘en-  
 22 ergy sustainability’ includes using a renewable en-  
 23 ergy resource and a highly efficient technology for  
 24 electricity generation, transportation, heating, or  
 25 cooling.

1           “(2) INSTITUTION OF HIGHER EDUCATION.—

2           The term ‘institution of higher education’ has the  
3           meaning given the term in section 2 of the Energy  
4           Policy Act of 2005 (42 U.S.C. 15801).

5           “(b) GRANTS FOR ENERGY EFFICIENCY IMPROVE-  
6           MENT.—

7           “(1) IN GENERAL.—The Secretary shall award  
8           not more than 100 grants to institutions of higher  
9           education to carry out projects to improve energy ef-  
10          ficiency on the grounds and facilities of the institu-  
11          tion of higher education, including not less than 1  
12          grant to an institution of higher education in each  
13          State.

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

17                  “(A) implement a public awareness cam-  
18                  paign concerning the project in the community  
19                  in which the institution of higher education is  
20                  located; and

21                  “(B) submit to the Secretary, and make  
22                  available to the public, reports on any efficiency  
23                  improvements, energy cost savings, and environ-  
24                  mental benefits achieved as part of a project  
25                  carried out under paragraph (1).

1       “(c) GRANTS FOR INNOVATION IN ENERGY SUSTAIN-  
2 ABILITY.—

3           “(1) IN GENERAL.—The Secretary shall award  
4 not more than 250 grants to institutions of higher  
5 education to engage in innovative energy sustain-  
6 ability projects, including not less than 2 grants to  
7 institutions of higher education in each State.

8           “(2) INNOVATION PROJECTS.—An innovation  
9 project carried out with a grant under this sub-  
10 section shall—

11           “(A) involve—

12           “(i) an innovative technology that is  
13 not yet commercially available; or

14           “(ii) available technology in an inno-  
15 vative application that maximizes energy  
16 efficiency and sustainability;

17           “(B) have the greatest potential for testing  
18 or demonstrating new technologies or processes;  
19 and

20           “(C) ensure active student participation in  
21 the project, including the planning, implementa-  
22 tion, evaluation, and other phases of the  
23 project.

24           “(3) CONDITION.—As a condition of receiving a  
25 grant under this subsection, an institution of higher

1 education shall agree to submit to the Secretary,  
2 and make available to the public, reports that de-  
3 scribe the results of the projects carried out under  
4 paragraph (1).

5 “(d) AWARDING OF GRANTS.—

6 “(1) APPLICATION.—An institution of higher  
7 education that seeks to receive a grant under this  
8 section may submit to the Secretary an application  
9 for the grant at such time, in such form, and con-  
10 taining such information as the Secretary may pre-  
11 scribe.

12 “(2) SELECTION.—The Secretary shall estab-  
13 lish a committee to assist in the selection of grant  
14 recipients under this section.

15 “(e) ALLOCATION TO INSTITUTIONS OF HIGHER  
16 EDUCATION WITH SMALL ENDOWMENTS.—Of the  
17 amount of grants provided for a fiscal year under this sec-  
18 tion, the Secretary shall provide not less 50 percent of the  
19 amount to institutions of higher education that have an  
20 endowment of not more than \$100,000,000, with 50 per-  
21 cent of the allocation set aside for institutions of higher  
22 education that have an endowment of not more than  
23 \$50,000,000.

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

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

3           “(2) in the case of grants for innovation in en-  
4           ergy sustainability under subsection (c), \$500,000.

5           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated such sums as are nec-  
7           essary to carry out this section for each of fiscal years  
8           2008 through 2012.”.

9           **SEC. 277. WORKFORCE TRAINING.**

10          Section 1101 of the Energy Policy Act of 2005 (42  
11          U.S.C. 16411) is amended—

12                 (1) by redesignating subsection (d) as sub-  
13                 section (e); and

14                 (2) by inserting after subsection (c) the fol-  
15                 lowing:

16                 “(d) WORKFORCE TRAINING.—

17                         “(1) IN GENERAL.—The Secretary, in coopera-  
18                         tion with the Secretary of Labor, shall promulgate  
19                         regulations to implement a program to provide work-  
20                         force training to meet the high demand for workers  
21                         skilled in the energy efficiency and renewable energy  
22                         industries.

23                         “(2) CONSULTATION.—In carrying out this sub-  
24                         section, the Secretary shall consult with representa-  
25                         tives of the energy efficiency and renewable energy

1 industries concerning skills that are needed in those  
2 industries.”.

3 **SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS**  
4 **IDLING.**

5 (a) STATEMENT OF POLICY.—Congress encourages  
6 each local educational agency (as defined in section  
7 9101(26) of the Elementary and Secondary Education Act  
8 of 1965 (20 U.S.C. 7801(26))) that receives Federal funds  
9 under the Elementary and Secondary Education Act of  
10 1965 (20 U.S.C. 6301 et seq.) to develop a policy to re-  
11 duce the incidence of school bus idling at schools while  
12 picking up and unloading students.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Secretary, work-  
15 ing in coordination with the Secretary of Education,  
16 \$5,000,000 for each of fiscal years 2007 through 2012  
17 for use in educating States and local education agencies  
18 about—

- 19 (1) benefits of reducing school bus idling; and  
20 (2) ways in which school bus idling may be re-  
21 duced.

1 **TITLE III—CARBON CAPTURE**  
2 **AND STORAGE RESEARCH,**  
3 **DEVELOPMENT, AND DEM-**  
4 **ONSTRATION**

5 **SEC. 301. SHORT TITLE.**

6 This title may be cited as the “Carbon Capture and  
7 Sequestration Act of 2007”.

8 **SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DE-**  
9 **VELOPMENT, AND DEMONSTRATION PRO-**  
10 **GRAM.**

11 Section 963 of the Energy Policy Act of 2005 (42  
12 U.S.C. 16293) is amended—

13 (1) in the section heading, by striking “**RE-**  
14 **SEARCH AND DEVELOPMENT**” and inserting  
15 “**AND STORAGE RESEARCH, DEVELOPMENT,**  
16 **AND DEMONSTRATION**”;

17 (2) in subsection (a)—

18 (A) by striking “research and develop-  
19 ment” and inserting “and storage research, de-  
20 velopment, and demonstration”; and

21 (B) by striking “capture technologies on  
22 combustion-based systems” and inserting “cap-  
23 ture and storage technologies related to energy  
24 systems”;

25 (3) in subsection (b)—

1 (A) in paragraph (3), by striking “and” at  
2 the end;

3 (B) in paragraph (4), by striking the pe-  
4 riod at the end and inserting “; and”; and

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

6 “(5) to expedite and carry out large-scale test-  
7 ing of carbon sequestration systems in a range of ge-  
8 ological formations that will provide information on  
9 the cost and feasibility of deployment of sequestra-  
10 tion technologies.”; and

11 (4) by striking subsection (e) and inserting the  
12 following:

13 “(c) PROGRAMMATIC ACTIVITIES.—

14 “(1) ENERGY RESEARCH AND DEVELOPMENT  
15 UNDERLYING CARBON CAPTURE AND STORAGE  
16 TECHNOLOGIES AND CARBON USE ACTIVITIES.—

17 “(A) IN GENERAL.—The Secretary shall  
18 carry out fundamental science and engineering  
19 research (including laboratory-scale experi-  
20 ments, numeric modeling, and simulations) to  
21 develop and document the performance of new  
22 approaches to capture and store, recycle, or  
23 reuse carbon dioxide.

24 “(B) PROGRAM INTEGRATION.—The Sec-  
25 retary shall ensure that fundamental research

1 carried out under this paragraph is appro-  
2 priately applied to energy technology develop-  
3 ment activities, the field testing of carbon se-  
4 questration, and carbon use activities, includ-  
5 ing—

6 “(i) development of new or improved  
7 technologies for the capture of carbon diox-  
8 ide;

9 “(ii) development of new or improved  
10 technologies that reduce the cost and in-  
11 crease the efficacy of the compression of  
12 carbon dioxide required for the storage of  
13 carbon dioxide;

14 “(iii) modeling and simulation of geo-  
15 logical sequestration field demonstrations;

16 “(iv) quantitative assessment of risks  
17 relating to specific field sites for testing of  
18 sequestration technologies; and

19 “(v) research and development of new  
20 and improved technologies for carbon use,  
21 including recycling and reuse of carbon di-  
22 oxide.

23 “(2) CARBON CAPTURE DEMONSTRATION  
24 PROJECT.—

1           “(A) IN GENERAL.—The Secretary shall  
2 carry out a demonstration of large-scale carbon  
3 dioxide capture from an appropriate gasification  
4 facility selected by the Secretary.

5           “(B) LINK TO STORAGE ACTIVITIES.—The  
6 Secretary may require the use of carbon dioxide  
7 from the project carried out under subpara-  
8 graph (A) in a field testing validation activity  
9 under this section.

10          “(3) FIELD VALIDATION TESTING ACTIVI-  
11 TIES.—

12           “(A) IN GENERAL.—The Secretary shall  
13 promote, to the maximum extent practicable,  
14 regional carbon sequestration partnerships to  
15 conduct geologic sequestration tests involving  
16 carbon dioxide injection and monitoring, mitiga-  
17 tion, and verification operations in a variety of  
18 candidate geological settings, including—

19                   “(i) operating oil and gas fields;

20                   “(ii) depleted oil and gas fields;

21                   “(iii) unmineable coal seams;

22                   “(iv) deep saline formations;

23                   “(v) deep geological systems that may  
24 be used as engineered reservoirs to extract  
25 economical quantities of heat from geo-

1 thermal resources of low permeability or  
2 porosity; and

3 “(vi) deep geologic systems containing  
4 basalt formations.

5 “(B) OBJECTIVES.—The objectives of tests  
6 conducted under this paragraph shall be—

7 “(i) to develop and validate geo-  
8 physical tools, analysis, and modeling to  
9 monitor, predict, and verify carbon dioxide  
10 containment;

11 “(ii) to validate modeling of geological  
12 formations;

13 “(iii) to refine storage capacity esti-  
14 mated for particular geological formations;

15 “(iv) to determine the fate of carbon  
16 dioxide concurrent with and following in-  
17 jection into geological formations;

18 “(v) to develop and implement best  
19 practices for operations relating to, and  
20 monitoring of, injection and storage of car-  
21 bon dioxide in geologic formations;

22 “(vi) to assess and ensure the safety  
23 of operations related to geological storage  
24 of carbon dioxide; and

1           “(vii) to allow the Secretary to pro-  
2           mulgate policies, procedures, requirements,  
3           and guidance to ensure that the objectives  
4           of this subparagraph are met in large-scale  
5           testing and deployment activities for car-  
6           bon capture and storage that are funded  
7           by the Department of Energy.

8           “(4) LARGE-SCALE TESTING AND DEPLOY-  
9           MENT.—

10           “(A) IN GENERAL.—The Secretary shall  
11           conduct not less than 7 initial large-volume se-  
12           questration tests for geological containment of  
13           carbon dioxide (at least 1 of which shall be  
14           international in scope) to validate information  
15           on the cost and feasibility of commercial deploy-  
16           ment of technologies for geological containment  
17           of carbon dioxide.

18           “(B) DIVERSITY OF FORMATIONS TO BE  
19           STUDIED.—In selecting formations for study  
20           under this paragraph, the Secretary shall con-  
21           sider a variety of geological formations across  
22           the United States, and require characterization  
23           and modeling of candidate formations, as deter-  
24           mined by the Secretary.

1           “(5) PREFERENCE IN PROJECT SELECTION  
2 FROM MERITORIOUS PROPOSALS.—In making com-  
3 petitive awards under this subsection, subject to the  
4 requirements of section 989, the Secretary shall give  
5 preference to proposals from partnerships among in-  
6 dustrial, academic, and government entities.

7           “(6) COST SHARING.—Activities under this sub-  
8 section shall be considered research and development  
9 activities that are subject to the cost-sharing re-  
10 quirements of section 988(b).

11           “(7) PROGRAM REVIEW AND REPORT.—During  
12 fiscal year 2011, the Secretary shall—

13                   “(A) conduct a review of programmatic ac-  
14 tivities carried out under this subsection; and

15                   “(B) make recommendations with respect  
16 to continuation of the activities.

17           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to carry out this sec-  
19 tion—

20                   “(1) \$150,000,000 for fiscal year 2008;

21                   “(2) \$200,000,000 for fiscal year 2009;

22                   “(3) \$200,000,000 for fiscal year 2010;

23                   “(4) \$180,000,000 for fiscal year 2011; and

24                   “(5) \$165,000,000 for fiscal year 2012.”.

1 **SEC. 303. CARBON DIOXIDE STORAGE CAPACITY ASSESS-**  
2 **MENT.**

3 (a) DEFINITIONS.—In this section

4 (1) ASSESSMENT.—The term “assessment”  
5 means the national assessment of capacity for car-  
6 bon dioxide completed under subsection (f).

7 (2) CAPACITY.—The term “capacity” means the  
8 portion of a storage formation that can retain car-  
9 bon dioxide in accordance with the requirements (in-  
10 cluding physical, geological, and economic require-  
11 ments) established under the methodology developed  
12 under subsection (b).

13 (3) ENGINEERED HAZARD.—The term “engi-  
14 neered hazard” includes the location and completion  
15 history of any well that could affect potential stor-  
16 age.

17 (4) RISK.—The term “risk” includes any risk  
18 posed by geomechanical, geochemical,  
19 hydrogeological, structural, and engineered hazards.

20 (5) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior, acting through the Di-  
22 rector of the United States Geological Survey.

23 (6) STORAGE FORMATION.—The term “storage  
24 formation” means a deep saline formation,  
25 unmineable coal seam, or oil or gas reservoir that is

1 capable of accommodating a volume of industrial  
2 carbon dioxide.

3 (b) METHODOLOGY.—Not later than 1 year after the  
4 date of enactment of this Act, the Secretary shall develop  
5 a methodology for conducting an assessment under sub-  
6 section (f), taking into consideration—

7 (1) the geographical extent of all potential stor-  
8 age formations in all States;

9 (2) the capacity of the potential storage forma-  
10 tions;

11 (3) the injectivity of the potential storage for-  
12 mations;

13 (4) an estimate of potential volumes of oil and  
14 gas recoverable by injection and storage of industrial  
15 carbon dioxide in potential storage formations;

16 (5) the risk associated with the potential stor-  
17 age formations; and

18 (6) the Carbon Sequestration Atlas of the  
19 United States and Canada that was completed by  
20 the Department of Energy in April 2006.

21 (c) COORDINATION.—

22 (1) FEDERAL COORDINATION.—

23 (A) CONSULTATION.—The Secretary shall  
24 consult with the Secretary of Energy and the  
25 Administrator of the Environmental Protection

1 Agency on issues of data sharing, format, devel-  
2 opment of the methodology, and content of the  
3 assessment required under this title to ensure  
4 the maximum usefulness and success of the as-  
5 sessment.

6 (B) COOPERATION.—The Secretary of En-  
7 ergy and the Administrator shall cooperate with  
8 the Secretary to ensure, to the maximum extent  
9 practicable, the usefulness and success of the  
10 assessment.

11 (2) STATE COORDINATION.—The Secretary  
12 shall consult with State geological surveys and other  
13 relevant entities to ensure, to the maximum extent  
14 practicable, the usefulness and success of the assess-  
15 ment.

16 (d) EXTERNAL REVIEW AND PUBLICATION.—On  
17 completion of the methodology under subsection (b), the  
18 Secretary shall—

19 (1) publish the methodology and solicit com-  
20 ments from the public and the heads of affected  
21 Federal and State agencies;

22 (2) establish a panel of individuals with exper-  
23 tise in the matters described in paragraphs (1)  
24 through (5) of subsection (b) composed, as appro-  
25 priate, of representatives of Federal agencies, insti-

1       tutions of higher education, nongovernmental organi-  
2       zations, State organizations, industry, and inter-  
3       national geoscience organizations to review the  
4       methodology and comments received under para-  
5       graph (1); and

6               (3) on completion of the review under para-  
7       graph (2), publish in the Federal Register the re-  
8       vised final methodology.

9       (e) PERIODIC UPDATES.—The methodology devel-  
10      oped under this section shall be updated periodically (in-  
11      cluding at least once every 5 years) to incorporate new  
12      data as the data becomes available.

13      (f) NATIONAL ASSESSMENT.—

14              (1) IN GENERAL.—Not later than 2 years after  
15      the date of publication of the methodology under  
16      subsection (d)(1), the Secretary, in consultation with  
17      the Secretary of Energy and State geological sur-  
18      veys, shall complete a national assessment of capac-  
19      ity for carbon dioxide in accordance with the meth-  
20      odology.

21              (2) GEOLOGICAL VERIFICATION.—As part of  
22      the assessment under this subsection, the Secretary  
23      shall carry out a drilling program to supplement the  
24      geological data relevant to determining storage ca-

1       capacity of carbon dioxide in geological storage forma-  
2       tions, including—

3               (A) well log data;

4               (B) core data; and

5               (C) fluid sample data.

6               (3) PARTNERSHIP WITH OTHER DRILLING PRO-  
7       GRAMS.—As part of the drilling program under  
8       paragraph (2), the Secretary shall enter, as appro-  
9       priate, into partnerships with other entities to collect  
10      and integrate data from other drilling programs rel-  
11      evant to the storage of carbon dioxide in geologic  
12      formations.

13              (4) INCORPORATION INTO NATCARB.—

14              (A) IN GENERAL.—On completion of the  
15      assessment, the Secretary of Energy shall incor-  
16      porate the results of the assessment using the  
17      NatCarb database, to the maximum extent  
18      practicable.

19              (B) RANKING.—The database shall include  
20      the data necessary to rank potential storage  
21      sites for capacity and risk, across the United  
22      States, within each State, by formation, and  
23      within each basin.

24              (5) REPORT.—Not later than 180 days after  
25      the date on which the assessment is completed, the

1 Secretary shall submit to the Committee on Energy  
2 and Natural Resources of the Senate and the Com-  
3 mittee on Science and Technology of the House of  
4 Representatives a report describing the findings  
5 under the assessment.

6 (6) PERIODIC UPDATES.—The national assess-  
7 ment developed under this section shall be updated  
8 periodically (including at least once every 5 years) to  
9 support public and private sector decisionmaking.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated to carry out this section  
12 \$30,000,000 for the period of fiscal years 2008 through  
13 2012.

14 **SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.**

15 (a) DEFINITIONS.—In this section:

16 (1) INDUSTRIAL SOURCES OF CARBON DIOX-  
17 IDE.—The term “industrial sources of carbon diox-  
18 ide” means one or more facilities to—

19 (A) generate electric energy from fossil  
20 fuels;

21 (B) refine petroleum;

22 (C) manufacture iron or steel;

23 (D) manufacture cement or cement clinker;

24 (E) manufacture commodity chemicals (in-  
25 cluding from coal gasification); or

1 (F) manufacture transportation fuels from  
2 coal.

3 (2) SECRETARY.—The term “Secretary” means  
4 the Secretary of Energy.

5 (b) PROGRAM ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary shall carry  
7 out a program to demonstrate technologies for the  
8 large-scale capture of carbon dioxide from industrial  
9 sources of carbon dioxide.

10 (2) SCOPE OF AWARD.—An award under this  
11 section shall be only for the portion of the project  
12 that carries out the large-scale capture (including  
13 purification and compression) of carbon dioxide, as  
14 well as the cost of transportation and injection of  
15 carbon dioxide.

16 (3) QUALIFICATIONS FOR AWARD.—To be eligi-  
17 ble for an award under this section, a project pro-  
18 posal must include the following:

19 (A) CAPACITY.—The capture of not less  
20 than eighty-five percent of the produced carbon  
21 dioxide at the facility, and not less than  
22 500,000 short tons of carbon dioxide per year.

23 (B) STORAGE AGREEMENT.—A binding  
24 agreement for the storage of all of the captured  
25 carbon dioxide in—

1 (i) a field testing validation activity  
2 under section 963 of the Energy Policy Act  
3 of 2005, as amended by this Act; or

4 (ii) other geological storage projects  
5 approved by the Secretary.

6 (C) PURITY LEVEL.—A purity level of at  
7 least 95 percent for the captured carbon dioxide  
8 delivered for storage.

9 (D) COMMITMENT TO CONTINUED OPER-  
10 ATION OF SUCCESSFUL UNIT.—If the project  
11 successfully demonstrates capture and storage  
12 of carbon dioxide, a commitment to continued  
13 capture and storage of carbon dioxide after the  
14 conclusion of the demonstration.

15 (4) COST-SHARING.—The cost-sharing require-  
16 ments of section 988 of the Energy Policy Act of  
17 2005 shall apply to this section.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to the Secretary to carry  
20 out this section \$100,000,000 per year for fiscal years  
21 2009 through 2013.

1     **TITLE IV—PUBLIC BUILDINGS**  
2                   **COST REDUCTION**

3     **SEC. 401. SHORT TITLE.**

4           This title may be cited as the “Public Buildings Cost  
5 Reduction Act of 2007”.

6     **SEC. 402. COST-EFFECTIVE TECHNOLOGY ACCELERATION**  
7                   **PROGRAM.**

8           (a) ESTABLISHMENT.—

9                   (1) IN GENERAL.—The Administrator of Gen-  
10           eral Services (referred to in this section as the “Ad-  
11           ministrator”) shall establish a program to accelerate  
12           the use of more cost-effective technologies and prac-  
13           tices at GSA facilities.

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

16                           (A) ensure centralized responsibility for  
17                           the coordination of cost reduction recommenda-  
18                           tions, practices, and activities of all relevant  
19                           Federal agencies;

20                           (B) provide technical assistance and oper-  
21                           ational guidance to applicable tenants in order  
22                           to achieve the goals identified in subsection  
23                           (c)(2)(A); and

1 (C) establish methods to track the success  
2 of departments and agencies with respect to the  
3 goals identified in subsection (c)(2)(A).

4 (b) ACCELERATED USE OF COST-EFFECTIVE LIGHT-  
5 ING TECHNOLOGIES.—

6 (1) REVIEW.—

7 (A) IN GENERAL.—As part of the program  
8 under this subsection, not later than 90 days  
9 after the date of enactment of this Act, the Ad-  
10 ministrator shall conduct a review of—

11 (i) current use of cost-effective light-  
12 ing technologies in GSA facilities; and

13 (ii) the availability to managers of  
14 GSA facilities of cost-effective lighting  
15 technologies.

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

18 (i) examine the use of cost-effective  
19 lighting technologies and other cost-effec-  
20 tive technologies and practices by Federal  
21 agencies in GSA facilities; and

22 (ii) identify, in consultation with the  
23 Environmental Protection Agency, cost-ef-  
24 fective lighting technology standards that

1           could be used for all types of GSA facili-  
2           ties.

3           (2) REPLACEMENT.—

4           (A) IN GENERAL.—As part of the program  
5           under this subsection, not later than 180 days  
6           after the date of enactment of this Act, the Ad-  
7           ministrator shall establish a cost-effective light-  
8           ing technology acceleration program to achieve  
9           maximum feasible replacement of existing light-  
10          ing technologies with more cost-effective light-  
11          ing technologies in each GSA facility using  
12          available appropriations.

13          (B) ACCELERATION PLAN TIMETABLE.—

14          (i) IN GENERAL.—To implement the  
15          program established under subparagraph  
16          (A), not later than 1 year after the date of  
17          enactment of this Act, the Administrator  
18          shall establish a timetable including mile-  
19          stones for specific activities needed to re-  
20          place existing lighting technologies with  
21          more cost-effective lighting technologies, to  
22          the maximum extent feasible (including at  
23          the maximum rate feasible), at each GSA  
24          facility.

1                   (ii) GOAL.—The goal of the timetable  
2                   under clause (i) shall be to complete, using  
3                   available appropriations, maximum feasible  
4                   replacement of existing lighting tech-  
5                   nologies with more cost-effective lighting  
6                   technologies by not later than the date that  
7                   is 5 years after the date of enactment of  
8                   this Act.

9                   (c) GSA FACILITY COST-EFFECTIVE TECHNOLOGIES  
10                  AND PRACTICES.—Not later than 180 days after the date  
11                  of enactment of this Act, and annually thereafter, the Ad-  
12                  ministrators shall—

13                   (1) ensure that a manager responsible for accel-  
14                   erating the use of cost-effective technologies and  
15                   practices is designated for each GSA facility; and

16                   (2) submit to Congress a plan, to be imple-  
17                   mented to the maximum extent feasible (including at  
18                   the maximum rate feasible) using available appro-  
19                   priations, by not later than the date that is 5 years  
20                   after the date of enactment of this Act, that—

21                   (A) identifies the specific activities needed  
22                   to achieve a 20-percent reduction in operational  
23                   costs through the application of cost-effective  
24                   technologies and practices from 2003 levels at

1 GSA facilities by not later than 5 years after  
2 the date of enactment of this Act;

3 (B) describes activities required and car-  
4 ried out to estimate the funds necessary to  
5 achieve the reduction described in subparagraph  
6 (A);

7 (C) describes the status of the implementa-  
8 tion of cost-effective technologies and practices  
9 at GSA facilities, including—

10 (i) the extent to which programs, in-  
11 cluding the program established under sub-  
12 section (b), are being carried out in ac-  
13 cordance with this title; and

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

16 (D) identifies within the planning, budg-  
17 eting, and construction process all types of GSA  
18 facility-related procedures that inhibit new and  
19 existing GSA facilities from implementing cost-  
20 effective technologies and practices;

21 (E) recommends language for uniform  
22 standards for use by Federal agencies in imple-  
23 menting cost-effective technologies and prac-  
24 tices;

1 (F) in coordination with the Office of Man-  
2 agement and Budget, reviews the budget proc-  
3 ess for capital programs with respect to alter-  
4 natives for—

5 (i) permitting Federal agencies to re-  
6 tain all identified savings accrued as a re-  
7 sult of the use of cost-effective technologies  
8 and practices; and

9 (ii) identifying short- and long-term  
10 cost savings that accrue from cost-effective  
11 technologies and practices;

12 (G) achieves cost savings through the ap-  
13 plication of cost-effective technologies and prac-  
14 tices sufficient to pay the incremental addi-  
15 tional costs of installing the cost-effective tech-  
16 nologies and practices by not later than the  
17 date that is 5 years after the date of installa-  
18 tion; and

19 (H) includes recommendations to address  
20 each of the matters, and a plan for implementa-  
21 tion of each recommendation, described in sub-  
22 paragraphs (A) through (G).

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated such sums as are nec-

1 essary to carry out this section, to remain available until  
2 expended.

3 **SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEM-**  
4 **ONSTRATION GRANT PROGRAM FOR LOCAL**  
5 **GOVERNMENTS.**

6 (a) GRANT PROGRAM.—

7 (1) IN GENERAL.—The Administrator of the  
8 Environmental Protection Agency (referred to in  
9 this section as the “Administrator”) shall establish  
10 a demonstration program under which the Adminis-  
11 trator shall provide competitive grants to assist local  
12 governments (such as municipalities and counties),  
13 with respect to local government buildings—

14 (A) to deploy cost-effective technologies  
15 and practices; and

16 (B) to achieve operational cost savings,  
17 through the application of cost-effective tech-  
18 nologies and practices, as verified by the Ad-  
19 ministrator.

20 (2) COST SHARING.—

21 (A) IN GENERAL.—The Federal share of  
22 the cost of an activity carried out using a grant  
23 provided under this section shall be 40 percent.

24 (B) WAIVER OF NON-FEDERAL SHARE.—

25 The Administrator may waive up to 100 per-

1 cent of the local share of the cost of any grant  
2 under this section should the Administrator de-  
3 termine that the community is economically dis-  
4 tressed, pursuant to objective economic criteria  
5 established by the Administrator in published  
6 guidelines.

7 (3) MAXIMUM AMOUNT.—The amount of a  
8 grant provided under this subsection shall not exceed  
9 \$1,000,000.

10 (b) GUIDELINES.—

11 (1) IN GENERAL.—Not later than 1 year after  
12 the date of enactment of this Act, the Administrator  
13 shall issue guidelines to implement the grant pro-  
14 gram established under subsection (a).

15 (2) REQUIREMENTS.—The guidelines under  
16 paragraph (1) shall establish—

17 (A) standards for monitoring and  
18 verification of operational cost savings through  
19 the application of cost-effective technologies and  
20 practices reported by grantees under this sec-  
21 tion;

22 (B) standards for grantees to implement  
23 training programs, and to provide technical as-  
24 sistance and education, relating to the retrofit

1 of buildings using cost-effective technologies  
2 and practices; and

3 (C) a requirement that each local govern-  
4 ment that receives a grant under this section  
5 shall achieve facility-wide cost savings, through  
6 renovation of existing local government build-  
7 ings using cost-effective technologies and prac-  
8 tices, of at least 40 percent as compared to the  
9 baseline operational costs of the buildings be-  
10 fore the renovation (as calculated assuming a 3-  
11 year, weather-normalized average).

12 (c) COMPLIANCE WITH STATE AND LOCAL LAW.—  
13 Nothing in this section or any program carried out using  
14 a grant provided under this section supersedes or other-  
15 wise affects any State or local law, to the extent that the  
16 State or local law contains a requirement that is more  
17 stringent than the relevant requirement of this section.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$20,000,000 for each of fiscal years 2007 through 2012.

21 (e) REPORTS.—

22 (1) IN GENERAL.—The Administrator shall pro-  
23 vide annual reports to Congress on cost savings  
24 achieved and actions taken and recommendations

1 made under this section, and any recommendations  
2 for further action.

3 (2) FINAL REPORT.—The Administrator shall  
4 issue a final report at the conclusion of the program,  
5 including findings, a summary of total cost savings  
6 achieved, and recommendations for further action.

7 (f) TERMINATION.—The program under this section  
8 shall terminate on September 30, 2012.

9 **SEC. 404. DEFINITIONS.**

10 In this title:

11 (1) COST-EFFECTIVE LIGHTING TECH-  
12 NOLOGY.—

13 (A) IN GENERAL.—The term “cost-effec-  
14 tive lighting technology” means a lighting tech-  
15 nology that—

16 (i) will result in substantial oper-  
17 ational cost savings by ensuring an in-  
18 stalled consumption of not more than 1  
19 watt per square foot; or

20 (ii) is contained in a list under—

21 (I) section 553 of Public Law  
22 95–619 (42 U.S.C. 8259b); and

23 (II) Federal acquisition regula-  
24 tion 23–203.

1 (B) INCLUSIONS.—The term “cost-effective  
2 tive lighting technology” includes—

- 3 (i) lamps;  
4 (ii) ballasts;  
5 (iii) luminaires;  
6 (iv) lighting controls;  
7 (v) daylighting; and  
8 (vi) early use of other highly cost-effective  
9 lighting technologies.

10 (2) COST-EFFECTIVE TECHNOLOGIES AND  
11 PRACTICES.—The term “cost-effective technologies  
12 and practices” means a technology or practice  
13 that—

14 (A) will result in substantial operational  
15 cost savings by reducing utility costs; and

16 (B) complies with the provisions of section  
17 553 of Public Law 95–619 (42 U.S.C. 8259b)  
18 and Federal acquisition regulation 23–203.

19 (3) OPERATIONAL COST SAVINGS.—

20 (A) IN GENERAL.—The term “operational  
21 cost savings” means a reduction in end-use  
22 operational costs through the application of  
23 cost-effective technologies and practices, including  
24 a reduction in electricity consumption relative  
25 to consumption by the same customer or

1 at the same facility in a given year, as defined  
2 in guidelines promulgated by the Administrator  
3 pursuant to section 403(b), that achieves cost  
4 savings sufficient to pay the incremental addi-  
5 tional costs of using cost-effective technologies  
6 and practices by not later than the date that is  
7 5 years after the date of installation.

8 (B) INCLUSIONS.—The term “operational  
9 cost savings” includes savings achieved at a fa-  
10 cility as a result of—

11 (i) the installation or use of cost-effec-  
12 tive technologies and practices; or

13 (ii) the planting of vegetation that  
14 shades the facility and reduces the heating,  
15 cooling, or lighting needs of the facility.

16 (C) EXCLUSION.—The term “operational  
17 cost savings” does not include savings from  
18 measures that would likely be adopted in the  
19 absence of cost-effective technology and prac-  
20 tices programs, as determined by the Adminis-  
21 trator.

22 (4) GSA FACILITY.—

23 (A) IN GENERAL.—The term “GSA facil-  
24 ity” means any building, structure, or facility,  
25 in whole or in part (including the associated

1 support systems of the building, structure, or  
2 facility) that—

3 (i) is constructed (including facilities  
4 constructed for lease), renovated, or pur-  
5 chased, in whole or in part, by the Admin-  
6 istrator for use by the Federal Govern-  
7 ment; or

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

11 (I) except as provided in sub-  
12 clause (II), for a term of not less than  
13 5 years; or

14 (II) for a term of less than 5  
15 years, if the Administrator determines  
16 that use of cost-effective technologies  
17 and practices would result in the pay-  
18 back of expenses.

19 (B) INCLUSION.—The term “GSA facility”  
20 includes any group of buildings, structures, or  
21 facilities described in subparagraph (A) (includ-  
22 ing the associated energy-consuming support  
23 systems of the buildings, structures, and facili-  
24 ties).

1 (C) EXEMPTION.—The Administrator may  
2 exempt from the definition of “GSA facility”  
3 under this paragraph a building, structure, or  
4 facility that meets the requirements of section  
5 543(c) of Public Law 95–619 (42 U.S.C.  
6 8253(c)).

7 **TITLE V—CORPORATE AVERAGE**  
8 **FUEL ECONOMY STANDARDS**

9 **SEC. 501. SHORT TITLE.**

10 This title may be cited as the “Ten-in-Ten Fuel  
11 Economy Act”.

12 **SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR**  
13 **AUTOMOBILES, MEDIUM-DUTY TRUCKS, AND**  
14 **HEAVY DUTY TRUCKS.**

15 (a) INCREASED STANDARDS.—Section 32902 of title  
16 49, United States Code, is amended—

17 (1) by striking “NON-PASSENGER AUTO-  
18 MOBILES.—” in subsection (a) and inserting “PRE-  
19 SCRIPTION OF STANDARDS BY REGULATION.—”;

20 (2) by striking “automobiles (except passenger  
21 automobiles)” in subsection (a) and inserting “auto-  
22 mobiles, medium-duty trucks, and heavy-duty  
23 trucks”; and

24 (3) by striking subsection (b) and inserting the  
25 following:

1       “(b) STANDARDS FOR AUTOMOBILES, MEDIUM-DUTY  
2 TRUCKS, AND HEAVY-DUTY TRUCKS.—

3               “(1) IN GENERAL.—The Secretary of Transpor-  
4 tation, after consultation with the Administrator of  
5 the Environmental Protection Agency, shall pre-  
6 scribe average fuel economy standards for auto-  
7 mobiles, medium-duty trucks, and heavy-duty trucks  
8 manufactured by a manufacturer in each model year  
9 beginning with model year 2011 in accordance with  
10 subsection (c).

11               “(2) ANNUAL INCREASES IN FUEL ECONOMY  
12 STANDARDS.—

13               “(A) BASELINE AVERAGE FUEL ECONOMY  
14 STANDARDS FOR MEDIUM- AND HEAVY-DUTY  
15 TRUCKS.—For the first 2 model years begin-  
16 ning after the submission to Congress of the  
17 initial report by the National Academy of  
18 Sciences required by section 510 of the Ten-in-  
19 Ten Fuel Economy Act, the average fuel econ-  
20 omy required to be attained for each attribute  
21 class of medium-duty trucks and heavy-duty  
22 trucks shall be the average combined highway  
23 and city miles-per-gallon performance of all ve-  
24 hicles within that class in the model year imme-  
25 diately preceding the first of those 2 model

1 years (rounded to the nearest  $\frac{1}{10}$  mile per gal-  
2 lon).

3 “(B) MEDIUM- AND HEAVY-DUTY TRUCK  
4 FUEL ECONOMY AVERAGE AFTER BASELINE  
5 MODEL YEAR.—For each model year beginning  
6 after the 2 model years specified in subpara-  
7 graph (A), the average fuel economy required to  
8 be attained by the fleet of medium-duty trucks  
9 and heavy-duty trucks manufactured in the  
10 United States shall be at least 4 percent great-  
11 er than the average fuel economy required to be  
12 attained for the fleet in the previous model year  
13 (rounded to the nearest  $\frac{1}{10}$  mile per gallon).  
14 Standards shall be issued for medium-duty  
15 trucks and heavy-duty trucks for 20 model  
16 years.

17 “(3) FUEL ECONOMY TARGET FOR AUTO-  
18 MOBILES.—

19 “(A) BASELINE AVERAGE FUEL ECONOMY  
20 STANDARDS FOR AUTOMOBILES.—The Sec-  
21 retary shall prescribe average fuel economy  
22 standards for automobiles in each model year  
23 beginning with model year 2011 to achieve a  
24 combined fuel economy standard for model year  
25 2020 of at least 35 miles per gallon for the fleet

1 of automobiles manufactured or sold in the  
2 United States. The average fuel economy stand-  
3 ards prescribed by the Secretary shall be the  
4 maximum feasible average fuel economy stand-  
5 ards for model years 2011 through 2019.

6 “(B) AUTOMOBILE FUEL ECONOMY AVER-  
7 AGE FOR MODEL YEARS 2021 THROUGH 2030.—  
8 For model years 2021 through 2030, the aver-  
9 age fuel economy required to be attained by the  
10 fleet of automobiles manufactured or sold in the  
11 United States shall be at least 4 percent great-  
12 er than the average fuel economy standard re-  
13 quired to be attained for the fleet in the pre-  
14 vious model year (rounded to the nearest  $\frac{1}{10}$   
15 mile per gallon).”.

16 (b) AUTHORITY OF SECRETARY.—Section 32902 of  
17 title 49, United States Code, is amended by adding at the  
18 end thereof the following:

19 “(k) AUTHORITY OF THE SECRETARY.—

20 “(1) VEHICLE ATTRIBUTES.—The authority of  
21 the Secretary to prescribe by regulation average fuel  
22 economy standards for automobiles, medium-duty  
23 trucks, and heavy-duty trucks under this section in-  
24 cludes the authority—

1           “(A) to prescribe standards based on vehi-  
2           cle attributes and to express the standards in  
3           the form of a mathematical function; and

4           “(B) to issue regulations under this title  
5           prescribing average fuel economy standards for  
6           1 or more model years.

7           “(2) PROHIBITION OF UNIFORM PERCENTAGE  
8           INCREASE.—When the Secretary prescribes a stand-  
9           ard, or prescribes an amendment under this section  
10          that changes a standard, the standard may not be  
11          expressed as a uniform percentage increase from the  
12          fuel-economy performance of attribute classes or cat-  
13          egories already achieved in a model year by a manu-  
14          facturer.”.

15 **SEC. 503. AMENDING FUEL ECONOMY STANDARDS.**

16          (a) IN GENERAL.—Section 32902(c) of title 49,  
17          United States Code, is amended to read as follows:

18          “(c) AMENDING FUEL ECONOMY STANDARDS.—

19                 “(1) IN GENERAL.—Notwithstanding sub-  
20                 sections (a) and (b), the Secretary of Transpor-  
21                 tation—

22                         “(A) may prescribe a standard higher than  
23                         that required under subsection (b); or

24                         “(B) may prescribe an average fuel econ-  
25                         omy standard for a class of automobiles, me-

1 medium-duty trucks, or heavy-duty trucks that is  
2 the maximum feasible level for the model year,  
3 despite being lower than the standard required  
4 under subsection (b), if the Secretary, based on  
5 clear and convincing evidence, that the average  
6 fuel economy standard prescribed in accordance  
7 with subsections (a) and (b) for that class of  
8 vehicles in that model year is shown not to be  
9 cost-effective.

10 “(2) REQUIREMENTS FOR LOWER STANDARD.—

11 Before adopting an average fuel economy standard  
12 for a class of automobiles, medium-duty trucks, or  
13 heavy-duty trucks in a model year under paragraph  
14 (1)(B), the Secretary of Transportation shall do the  
15 following:

16 “(A) NOTICE OF PROPOSED RULE.—Ex-  
17 cept for standards to be promulgated by 2011,  
18 at least 30 months before the model year for  
19 which the standard is to apply, the Secretary  
20 shall post a notice of proposed rulemaking for  
21 the proposed standard. The notice shall include  
22 a detailed analysis of the basis for the Sec-  
23 retary’s determination under paragraph (1)(B).

24 “(B) FINAL RULE.—At least 18 months  
25 before the model year for which the standard is

1 to apply, the Secretary shall promulgate a final  
2 rule establishing the standard.

3 “(C) REPORT.—The Secretary shall sub-  
4 mit a report to Congress that outlines the steps  
5 that need to be taken to avoid further reduc-  
6 tions in average fuel economy standards.

7 “(3) MAXIMUM FEASIBLE STANDARD.—An av-  
8 erage fuel economy standard prescribed for a class  
9 of automobiles, medium-duty trucks, or heavy-duty  
10 trucks in a model year under paragraph (1) shall be  
11 the maximum feasible standard.”.

12 (b) FEASIBILITY CRITERIA.—Section 32902(f) of  
13 title 49, United States Code, is amended to read as fol-  
14 lows:

15 “(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE  
16 FUEL ECONOMY.—

17 “(1) IN GENERAL.—When deciding maximum  
18 feasible average fuel economy under this section, the  
19 Secretary shall consider—

20 “(A) economic practicability;

21 “(B) the effect of other motor vehicle  
22 standards of the Government on fuel economy;

23 “(C) environmental impacts; and

24 “(D) the need of the United States to con-  
25 serve energy.

1           “(2) LIMITATIONS.—In setting any standard  
2 under subsection (b), (c), or (d), the Secretary shall  
3 ensure that each standard is the highest standard  
4 that—

5                   “(A) is technologically achievable;

6                   “(B) can be achieved without materially  
7 reducing the overall safety of automobiles, me-  
8 dium-duty trucks, and heavy-duty trucks manu-  
9 factured or sold in the United States;

10                  “(C) is not less than the standard for that  
11 class of vehicles from any prior year; and

12                  “(D) is cost-effective.

13           “(3) DETERMINING COST-EFFECTIVENESS.—

14                  “(A) IN GENERAL.—In determining cost  
15 effectiveness under paragraph (2)(D), the Sec-  
16 retary shall take into account the total value to  
17 the United States of reduced fuel use, including  
18 the monetary value of the reduced fuel use over  
19 the life of the vehicle.

20                  “(B) ADDITIONAL FACTORS FOR CONSID-  
21 ERATION BY SECRETARY.—The Secretary shall  
22 consider in the analysis the following factors:

23                          “(i) Economic security.

24                          “(ii) The impact of the oil or energy  
25 intensity of the United States economy on

1 the sensitivity of the economy to oil and  
2 other fuel price changes, including the  
3 magnitude of gross domestic product losses  
4 in response to short term price shocks or  
5 long term price increases.

6 “(iii) National security, including the  
7 impact of United States payments for oil  
8 and other fuel imports on political, eco-  
9 nomic, and military developments in unsta-  
10 ble or unfriendly oil-exporting countries.

11 “(iv) The uninternalized costs of pipe-  
12 line and storage oil seepage, and for risk  
13 of oil spills from production, handling, and  
14 transport, and related landscape damage.

15 “(v) The emissions of pollutants in-  
16 cluding greenhouse gases over the lifecycle  
17 of the fuel and the resulting costs to  
18 human health, the economy, and the envi-  
19 ronment.

20 “(vi) Such additional factors as the  
21 Secretary deems relevant.

22 “(4) MINIMUM VALUATION.—When considering  
23 the value to consumers of a gallon of gasoline saved,  
24 the Secretary of Transportation shall use as a min-  
25 imum value the value of the gasoline prices projected

1 by the Energy Information Administration for the  
2 period covered by the standard beginning in the year  
3 following the year in which the standards are estab-  
4 lished.

5 “(5) COST-EFFECTIVE DEFINED.—In this sub-  
6 section, the term ‘cost-effective’ means that the total  
7 value to the United States of reduced fuel use from  
8 a proposed fuel economy standard is greater than or  
9 equal to the total cost to the United States of such  
10 standard. Notwithstanding this definition, the Sec-  
11 retary shall not base the level of any standard on  
12 any technology whose cost to the United States is  
13 substantially more than the value to the United  
14 States of the reduction in fuel use attributable to  
15 that technology.”.

16 (c) CONSULTATION REQUIREMENT.—Section  
17 32902(i) of title 49, United States Code, is amended by  
18 inserting “and the Administrator of the Environmental  
19 Protection Agency” after “Energy”.

20 (d) COMMENTS.—Section 32902(j) of title 49, United  
21 States Code, is amended—

22 (1) by striking paragraph (1) and inserting:

23 “(1) Before issuing a notice proposing to pre-  
24 scribe or amend an average fuel economy standard  
25 under subsection (b), (c), or (g) of this section, the

1 Secretary of Transportation shall give the Secretary  
2 of Energy and Administrator of the Environmental  
3 Protection Agency at least 10 days after the receipt  
4 of the notice during which the Secretary of Energy  
5 and Administrator may, if the Secretary of Energy  
6 or Administrator concludes that the proposed stand-  
7 ard would adversely affect the conservation goals of  
8 the Secretary of Energy or environmental protection  
9 goals of the Administrator, provide written com-  
10 ments to the Secretary of Transportation about the  
11 impact of the standard on those goals. To the extent  
12 the Secretary of Transportation does not revise a  
13 proposed standard to take into account comments of  
14 the Secretary of Energy or Administrator on any ad-  
15 verse impact of the standard, the Secretary of  
16 Transportation shall include those comments in the  
17 notice.”; and

18 (2) by inserting “and the Administrator” after  
19 “Energy” each place it appears in paragraph (2).

20 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 32902(d) of title 49, United States  
22 Code, is amended by striking “passenger” each place  
23 it appears.

24 (2) Section 32902(g) of title 49, United States  
25 Code, is amended—

1 (A) by striking “subsection (a) or (d)”  
2 each place it appears in paragraph (1) and in-  
3 serting “subsection (b), (c), or (d)”; and

4 (B) striking “(and submit the amendment  
5 to Congress when required under subsection  
6 (c)(2) of this section)” in paragraph (2).

7 **SEC. 504. DEFINITIONS.**

8 (a) IN GENERAL.—Section 32901(a) of title 49,  
9 United States Code, is amended—

10 (1) by striking paragraph (3) and inserting the  
11 following:

12 “(3) except as provided in section 32908 of this  
13 title, ‘automobile’ means a 4-wheeled vehicle that is  
14 propelled by fuel, or by alternative fuel, manufac-  
15 tured primarily for use on public streets, roads, and  
16 highways (except a vehicle operated only on a rail  
17 line), and rated at not more than 10,000 pounds  
18 gross vehicle weight.”;

19 (2) by inserting after paragraph (10) the fol-  
20 lowing:

21 “(10) ‘heavy-duty truck’ means a truck (as de-  
22 fined in section 30127) with a gross vehicle weight  
23 in excess of 26,000 pounds.”;

24 (3) by inserting after paragraph (13) the fol-  
25 lowing:

1           “(13) ‘medium-duty truck’ means a truck (as  
2           defined in section 30127) with a gross vehicle weight  
3           of at least 10,000 pounds but not more than 26,000  
4           pounds.”; and

5           (4) by striking paragraph (16).

6           (b) DEADLINE FOR REGULATIONS.—The Secretary  
7           of Transportation—

8           (1) shall issue proposed regulations imple-  
9           menting the amendments made by subsection (a) not  
10          later than 1 year after the date of the enactment of  
11          this Act; and

12          (2) shall issue final regulations implementing  
13          the amendments not later than 18 months after the  
14          date of the enactment of this Act.

15          (c) EFFECTIVE DATE.—Regulations prescribed  
16          under subsection (b) shall apply beginning with model year  
17          2010.

18       **SEC. 505. ENSURING SAFETY OF AUTOMOBILES.**

19          (a) IN GENERAL.—The Secretary of Transportation  
20          shall exercise such authority under Federal law as the Sec-  
21          retary may have to ensure that automobiles (as defined  
22          in section 32901 of title 49, United States Code) are safe.

23          (b) VEHICLE SAFETY.—Subchapter II of chapter 301  
24          of title 49, United States Code, is amended by adding at  
25          the end the following:

1 **“§ 30129. Vehicle compatibility and aggressivity re-**  
2 **duction standard**

3 “(a) STANDARDS.—The Secretary of Transportation  
4 shall issue a motor vehicle safety standard to reduce auto-  
5 mobile incompatibility and aggressivity. The standard  
6 shall address characteristics necessary to ensure better  
7 management of crash forces in multiple vehicle frontal and  
8 side impact crashes between different types, sizes, and  
9 weights of automobiles with a gross vehicle weight of  
10 10,000 pounds or less in order to decrease occupant  
11 deaths and injuries.

12 “(b) CONSUMER INFORMATION.—The Secretary shall  
13 develop and implement a public information side and fron-  
14 tal compatibility crash test program with vehicle ratings  
15 based on risks to occupants, risks to other motorists, and  
16 combined risks by vehicle make and model.”.

17 (c) RULEMAKING DEADLINES.—

18 (1) RULEMAKING.—The Secretary of Transpor-  
19 tation shall issue—

20 (A) a notice of a proposed rulemaking  
21 under section 30129 of title 49, United States  
22 Code, not later than January 1, 2010; and

23 (B) a final rule under such section not  
24 later than December 31, 2012.

25 (2) EFFECTIVE DATE OF REQUIREMENTS.—

26 Any requirement imposed under the final rule issued

1 under paragraph (1) shall become fully effective not  
2 later than September 1, 2013.

3 (d) CONFORMING AMENDMENT.—The chapter anal-  
4 ysis for chapter 301 is amended by inserting after the item  
5 relating to section 30128 the following:

“30129. Vehicle compatibility and aggressivity reduction standard.”.

6 **SEC. 506. CREDIT TRADING PROGRAM.**

7 Section 32903 of title 49, United States Code, is  
8 amended—

9 (1) by striking “passenger” each place it ap-  
10 pears;

11 (2) by striking “section 32902(b)–(d) of this  
12 title” each place it appears and inserting “sub-  
13 section (a), (c), or (d) of section 32902”;

14 (3) by striking “3 consecutive model years” in  
15 subsections (a)(1) and (a)(2) and inserting “5 con-  
16 secutive model years”;

17 (4) in subsection (a)(2), by striking “clause (1)  
18 of this subsection,” and inserting “paragraph (1)”;

19 (5) by striking “3 model years” in subsection  
20 (b)(2) and inserting “5 model years”; and

21 (6) by striking subsection (e) and inserting the  
22 following:

23 “(e) CREDIT TRADING AMONG MANUFACTURERS.—  
24 The Secretary of Transportation may establish, by regula-  
25 tion, a corporate average fuel economy credit trading pro-

1 gram to allow manufacturers whose automobiles exceed  
2 the average fuel economy standards prescribed under sec-  
3 tion 32902 to earn credits to be sold to manufacturers  
4 whose automobiles fail to achieve the prescribed stand-  
5 ards.”.

6 **SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE**  
7 **GAS EMISSIONS.**

8 Section 32908 of title 49, United States Code, is  
9 amended—

10 (1) by redesignating subparagraph (F) of sub-  
11 section (b)(1) as subparagraph (H) and inserting  
12 after subparagraph (E) the following:

13 “(F) a label (or a logo imprinted on a label re-  
14 quired by this paragraph) that—

15 “(i) reflects an automobile’s performance  
16 on the basis of criteria developed by the Admin-  
17 istrator to reflect the fuel economy and green-  
18 house gas and other emissions consequences of  
19 operating the automobile over its likely useful  
20 life;

21 “(ii) permits consumers to compare per-  
22 formance results under clause (i) among all  
23 automobiles; and

24 “(iii) is designed to encourage the manu-  
25 facture and sale of automobiles that meet or ex-

1           ceed applicable fuel economy standards under  
2           section 32902.

3           “(G) a fuelstar under paragraph (5).”; and  
4           (2) by adding at the end of subsection (b) the  
5           following:

6           “(4) GREEN LABEL PROGRAM.—

7                 “(A) MARKETING ANALYSIS.—Not later than 2  
8           years after the date of the enactment of the Ten-in-  
9           Ten Fuel Economy Act, the Administrator shall im-  
10          plement a consumer education program and execute  
11          marketing strategies to improve consumer under-  
12          standing of automobile performance described in  
13          paragraph (1)(F).

14                 “(B) ELIGIBILITY.—Not later than 3 years  
15          after the date described in subparagraph (A), the  
16          Administrator shall issue requirements for the label  
17          or logo required under paragraph (1)(F) to ensure  
18          that an automobile is not eligible for the label or  
19          logo unless it—

20                         “(i) meets or exceeds the applicable fuel  
21                         economy standard; or

22                         “(ii) will have the lowest greenhouse gas  
23                         emissions over the useful life of the vehicle of  
24                         all vehicles in the vehicle attribute class to  
25                         which it belongs in that model year.

1 “(5) FUELSTAR PROGRAM.—

2 “(A) IN GENERAL.—The Secretary shall estab-  
3 lish a program, to be known as the ‘Fuelstar Pro-  
4 gram’, under which stars shall be imprinted on or  
5 attached to the label required by paragraph (1).

6 “(B) GREEN STARS.—Under the Fuelstar Pro-  
7 gram, a manufacturer may include on the label  
8 maintained on an automobile under paragraph (1)—

9 “(i) 1 green star for any automobile that  
10 meets the average fuel economy standard for  
11 the model year under section 32902; and

12 “(ii) 1 additional green star for each 2  
13 miles per gallon by which the automobile ex-  
14 ceeds such standard.

15 “(C) GOLD STARS.—Under the Fuelstar Pro-  
16 gram, a manufacturer may include a gold star on  
17 the label maintained on an automobile under para-  
18 graph (1) if the automobile attains a fuel economy  
19 of at least 50 miles per gallon.”.

20 **SEC. 508. CONTINUED APPLICABILITY OF EXISTING STAND-**  
21 **ARDS.**

22 Nothing in this title, or the amendments made by this  
23 title, shall be construed to affect the application of section  
24 32902 of title 49, United States Code, to passenger auto-

1 mobiles or non-passenger automobiles manufactured be-  
2 fore model year 2011.

3 **SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.**

4 (a) IN GENERAL.—As soon as practicable after the  
5 date of enactment of this Act, the Secretary of Transpor-  
6 tation shall execute an agreement with the National Acad-  
7 emy of Sciences to develop a report evaluating vehicle fuel  
8 economy standards, including—

9 (1) an assessment of automotive technologies  
10 and costs to reflect developments since the Acad-  
11 emy's 2002 report evaluating the corporate average  
12 fuel economy standards was conducted;

13 (2) an analysis of existing and potential tech-  
14 nologies that may be used practically to improve  
15 automobile, medium-duty truck, or heavy-duty truck  
16 fuel economy;

17 (3) an analysis of how such technologies may be  
18 practically integrated into the automotive, medium-  
19 duty truck, or heavy-duty truck manufacturing proc-  
20 ess; and

21 (4) an assessment of how such technologies may  
22 be used to meet the new fuel economy standards  
23 under chapter 329 of title 49, United States Code,  
24 as amended by this title.

1 (b) QUINQUENNIAL UPDATES.—After submitting the  
 2 initial report, the Academy shall update the report at 5  
 3 year intervals thereafter through 2025.

4 (c) REPORT.—The Academy shall submit the report  
 5 to the Secretary, the Senate Committee on Commerce,  
 6 Science, and Transportation and the House of Represent-  
 7 atives Committee on Energy and Commerce, with its find-  
 8 ings and recommendations no later than 18 months after  
 9 the date on which the Secretary executes the agreement  
 10 with the Academy.

11 **SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTO-**  
 12 **MOBILES.**

13 (a) IN GENERAL.—Section 32917 of title 49, United  
 14 States Code, is amended to read as follows:

15 **“§ 32917. Standards for Executive agency automobiles**

16 “(a) FUEL EFFICIENCY.—The head of an Executive  
 17 agency shall ensure that each new automobile procured by  
 18 the Executive agency is as fuel efficient as practicable.

19 “(b) DEFINITIONS.—In this section:

20 “(1) EXECUTIVE AGENCY.—The term ‘Execu-  
 21 tive agency’ has the meaning given that term in sec-  
 22 tion 105 of title 5.

23 “(2) NEW AUTOMOBILE.—The term ‘new auto-  
 24 mobile’, with respect to the fleet of automobiles of  
 25 an executive agency, means an automobile that is

1 leased for at least 60 consecutive days or bought, by  
2 or for the Executive agency, after September 30,  
3 2008. The term does not include any vehicle de-  
4 signed for combat-related missions, law enforcement  
5 work, or emergency rescue work.”.

6 (b) REPORT.—The Administrator of the General  
7 Services Administration shall develop a report describing  
8 and evaluating the efforts of the heads of the Executive  
9 agencies to comply with section 32917 of title 49, United  
10 States Code, for fiscal year 2009. The Administrator shall  
11 submit the report to Congress no later than December 31,  
12 2009.

13 **SEC. 511. ENSURING AVAILABILITY OF FLEXIBLE FUEL**  
14 **AUTOMOBILES.**

15 (a) AMENDMENT.—

16 (1) IN GENERAL.—Chapter 329 of title 49,  
17 United States Code, is amended by inserting after  
18 section 32902 the following:

19 **“§ 32902A. Requirement to manufacture flexible fuel**  
20 **automobiles**

21 “(a) IN GENERAL.—For each model year, each man-  
22 ufacturer of new automobiles described in subsection (b)  
23 shall ensure that the percentage of such automobiles man-  
24 ufactured in a particular model year that are flexible fuel

1 vehicles shall be not less than the percentage set forth for  
 2 that model year in the following table:

<b>“If the model year is:</b>	<b>The percentage of flexible fuel automobiles shall be:</b>
2012 .....	50
2013 .....	60
2014 .....	70
2015 .....	80.

3 “(b) AUTOMOBILES TO WHICH SECTION APPLIES.—

4 An automobile is described in this subsection if it—

5 “(1) is capable of operating on gasoline or die-  
 6 sel fuel;

7 “(2) is distributed in interstate commerce for  
 8 sale in the United States; and

9 “(3) does not contain certain engines that the  
 10 Secretary of Transportation, in consultation with the  
 11 Administrator of the Environmental Protection  
 12 Agency and the Secretary of Energy, may tempo-  
 13 rarily exclude from the definition because it is tech-  
 14 nologically infeasible for the engines to have flexible  
 15 fuel capability at any time during a period that the  
 16 Secretaries and the Administrator are engaged in an  
 17 active research program with the vehicle manufac-  
 18 turers to develop that capability for the engines.”.

19 (2) DEFINITION OF FLEXIBLE FUEL AUTO-  
 20 MOBILE.—Section 32901(a) of title 49, United  
 21 States Code, is amended by inserting after para-  
 22 graph (8), the following:

1           “(8) ‘flexible fuel automobile’ means an auto-  
2           mobile described in paragraph (8)(A).”.

3           (3) CLERICAL AMENDMENT.—The table of sec-  
4           tions for chapter 329 of title 49, United States  
5           Code, is amended by inserting after the item relating  
6           to section 32902 the following:

“Sec. 32902A. Requirement to manufacture flexible fuel automobiles.”.

7           (b) RULEMAKING.—

8           (1) IN GENERAL.—Not later than 1 year after  
9           the date of the enactment of this Act, the Secretary  
10          of Transportation shall issue regulations to carry  
11          out the amendments made by subsection (a).

12          (2) HARDSHIP EXEMPTION.—The regulations  
13          issued pursuant to paragraph (1) shall include a  
14          process by which a manufacturer may be exempted  
15          from the requirement under section 32902A(a) upon  
16          demonstrating that such requirement would create a  
17          substantial economic hardship for the manufacturer.

18   **SEC. 512. INCREASING CONSUMER AWARENESS OF FLEXI-**  
19                                   **BLE FUEL AUTOMOBILES.**

20          Section 32908 of title 49, United States Code, is  
21          amended by adding at the end the following:

22          “(g) INCREASING CONSUMER AWARENESS OF FLEXI-  
23          BLE FUEL AUTOMOBILES.—(1) The Secretary of Trans-  
24          portation shall prescribe regulations that require the man-

1 manufacturer of automobiles distributed in interstate com-  
2 merce for sale in the United States—

3 “(A) to prominently display a permanent badge  
4 or emblem on the quarter panel or tailgate of each  
5 such automobile that indicates such vehicle is capa-  
6 ble of operating on alternative fuel; and

7 “(B) to include information in the owner’s man-  
8 ual of each such automobile information that de-  
9 scribes—

10 “(i) the capability of the automobile to op-  
11 erate using alternative fuel;

12 “(ii) the benefits of using alternative fuel,  
13 including the renewable nature, and the envi-  
14 ronmental benefits of using alternative fuel; and

15 “(C) to contain a fuel tank cap that is clearly  
16 labeled to inform consumers that the automobile is  
17 capable of operating on alternative fuel.

18 “(2) The Secretary of Transportation shall collabo-  
19 rate with automobile retailers to develop voluntary methods  
20 for providing prospective purchasers of automobiles with  
21 information regarding the benefits of using alternative fuel  
22 in automobiles, including—

23 “(A) the renewable nature of alternative fuel;  
24 and

1           “(B) the environmental benefits of using alter-  
2           native fuel.”.

3 **SEC. 513. PERIODIC REVIEW OF ACCURACY OF FUEL ECON-**  
4 **OMY LABELING PROCEDURES.**

5           Beginning in December, 2009, and not less often  
6 than every 5 years thereafter, the Secretary of Transpor-  
7 tation, in consultation with the Administrator of the Envi-  
8 ronmental Protection Agency, shall—

9           (1) reevaluate the fuel economy labeling proce-  
10 dures described in the final rule published in the  
11 Federal Register on December 27, 2006 (71 Fed.  
12 Reg. 77,872; 40 C.F.R. parts 86 and 600) to deter-  
13 mine whether changes in the factors used to estab-  
14 lish the labeling procedures warrant a revision of  
15 that process; and

16           (2) submit a report to the Senate Committee on  
17 Commerce, Science, and Transportation and the  
18 House of Representatives Committee on Energy and  
19 Commerce that describes the results of the reevalua-  
20 tion process.

21 **SEC. 514. TIRE FUEL EFFICIENCY CONSUMER INFORMA-**  
22 **TION.**

23           (a) IN GENERAL.—Chapter 301 of title 49, United  
24 States Code, is amended by inserting after section 30123  
25 the following new section:

1 **“§ 30123A. Tire fuel efficiency consumer information**

2 “(a) RULEMAKING.—

3 “(1) IN GENERAL.—Not later than 18 months  
4 after the date of enactment of the Ten-in-Ten Fuel  
5 Economy Act, the Secretary of Transportation shall,  
6 after notice and opportunity for comment, promul-  
7 gate rules establishing a national tire fuel efficiency  
8 consumer information program for tires designed for  
9 use on motor vehicles to educate consumers about  
10 the effect of tires on automobile fuel efficiency.

11 “(2) ITEMS INCLUDED IN RULE.—The rule-  
12 making shall include—

13 “(A) a national tire fuel efficiency rating  
14 system for motor vehicle tires to assist con-  
15 sumers in making more educated tire pur-  
16 chasing decisions;

17 “(B) requirements for providing informa-  
18 tion to consumers, including information at the  
19 point of sale and other potential information  
20 dissemination methods, including the Internet;

21 “(C) specifications for test methods for  
22 manufacturers to use in assessing and rating  
23 tires to avoid variation among test equipment  
24 and manufacturers; and

25 “(D) a national tire maintenance consumer  
26 education program including, information on

1           tire inflation pressure, alignment, rotation, and  
2           tread wear to maximize fuel efficiency.

3           “(3) APPLICABILITY.—This section shall not  
4           apply to tires excluded from coverage under section  
5           575.104(e)(2) of title 49, Code of Federal Regula-  
6           tions, as in effect on date of enactment of the Ten-  
7           in-Ten Fuel Economy Act.

8           “(b) CONSULTATION.—The Secretary shall consult  
9           with the Secretary of Energy and the Administrator of  
10          the Environmental Protection Agency on the means of  
11          conveying tire fuel efficiency consumer information.

12          “(c) REPORT TO CONGRESS.—The Secretary shall  
13          conduct periodic assessments of the rules promulgated  
14          under this section to determine the utility of such rules  
15          to consumers, the level of cooperation by industry, and the  
16          contribution to national goals pertaining to energy con-  
17          sumption. The Secretary shall transmit periodic reports  
18          detailing the findings of such assessments to the Senate  
19          Committee on Commerce, Science, and Transportation  
20          and the House of Representatives Committee on Energy  
21          and Commerce.

22          “(d) TIRE MARKING.—The Secretary shall not re-  
23          quire permanent labeling of any kind on a tire for the pur-  
24          pose of tire fuel efficiency information.

1       “(e) PREEMPTION.—When a requirement under this  
2 section is in effect, a State or political subdivision of a  
3 State may adopt or enforce a law or regulation on tire  
4 fuel efficiency consumer information only if the law or reg-  
5 ulation is identical to that requirement. Nothing in this  
6 section shall be construed to preempt a State or political  
7 subdivision of a State from regulating the fuel efficiency  
8 of tires not otherwise preempted under this chapter.”.

9       (b) ENFORCEMENT.—Section 30165(a) of title 49,  
10 United States Code, is amended by adding at the end the  
11 following:

12               “(4) SECTION 30123a.—Any person who fails  
13 to comply with the national tire fuel efficiency con-  
14 sumer information program under section 30123A is  
15 liable to the United States Government for a civil  
16 penalty of not more than \$50,000 for each viola-  
17 tion.”.

18       (c) Conforming Amendment.—The chapter analysis  
19 for chapter 301 of title 49, United States Code, is amend-  
20 ed by inserting after the item relating to section 30123  
21 the following:

“30123A. Tire fuel efficiency consumer information.”.

22 **SEC. 515. ADVANCED BATTERY INITIATIVE.**

23       (a) IN GENERAL.—The Secretary of Transportation  
24 shall establish and carry out an Advanced Battery Initia-  
25 tive in accordance with this section to support research,

1 development, demonstration, and commercial application  
2 of battery technologies.

3 (b) INDUSTRY ALLIANCE.—Not later than 180 days  
4 after the date of enactment of this Act, the Secretary shall  
5 competitively select an Industry Alliance to represent par-  
6 ticipants who are private, for-profit firms headquartered  
7 in the United States, the primary business of which is the  
8 manufacturing of batteries.

9 (c) RESEARCH.—

10 (1) GRANTS.—The Secretary shall carry out re-  
11 search activities of the Initiative through competi-  
12 tively-awarded grants to—

13 (A) researchers, including Industry Alli-  
14 ance participants;

15 (B) small businesses;

16 (C) National Laboratories; and

17 (D) institutions of higher education.

18 (2) INDUSTRY ALLIANCE.—The Secretary shall  
19 annually solicit from the Industry Alliance—

20 (A) comments to identify advanced battery  
21 technology needs relevant to electric drive tech-  
22 nology;

23 (B) an assessment of the progress of re-  
24 search activities of the Initiative; and

1           (C) assistance in annually updating ad-  
2           vanced battery technology roadmaps.

3           (d) AVAILABILITY TO THE PUBLIC.—The informa-  
4           tion and roadmaps developed under this section shall be  
5           available to the public.

6           (e) PREFERENCE.—In making awards under this  
7           subsection, the Secretary shall give preference to partici-  
8           pants in the Industry Alliance.

9           (f) COST SHARING.—In carrying out this section, the  
10          Secretary shall require cost sharing in accordance with  
11          section 120(b) of title 23, United States Code.

12          (g) AUTHORIZATION OF APPROPRIATIONS.—There  
13          are authorized to be appropriated to carry out this section  
14          such sums as may be necessary for each of fiscal years  
15          2008 through 2012.

16          **SEC. 516. BIODIESEL STANDARDS.**

17          (a) IN GENERAL.—Not later than 180 days after the  
18          date of enactment of this Act, the President, in consulta-  
19          tion with the Secretary of Transportation, the Secretary  
20          of Energy, and the Administrator of the Environmental  
21          Protection Administration, shall promulgate standards for  
22          biodiesel blend sold or introduced into commerce in the  
23          United States.

24          (b) DEFINITIONS.—In this section:

25                  (1) BIODIESEL.—

1 (A) IN GENERAL.—The term “biodiesel”  
2 means the monoalkyl esters of long chain fatty  
3 acids derived from plant or animal matter that  
4 meet—

5 (i) the registration requirements for  
6 fuels and fuel additives established by the  
7 Environmental Protection Agency under  
8 section 211 of the Clean Air Act (42  
9 U.S.C. 7545); and

10 (ii) the requirements of the American  
11 Society of Testing and Materials D6751.

12 (B) INCLUSIONS.—The term “biodiesel”  
13 includes esters described in subparagraph (A)  
14 derived from—

15 (i) animal waste, including poultry  
16 fat, poultry waste, and other waste mate-  
17 rial; and

18 (ii) municipal solid waste, sludge, and  
19 oil derived from wastewater or the treat-  
20 ment of wastewater.

21 (2) BIODIESEL BLEND.—The term “biodiesel  
22 blend” means a mixture of biodiesel and diesel fuel,  
23 including—

1 (A) a blend of biodiesel and diesel fuel ap-  
2 proximately 5 percent of the content of which  
3 is biodiesel (commonly known as “B5”); and

4 (B) a blend of biodiesel and diesel fuel ap-  
5 proximately 20 percent of the content of which  
6 is biodiesel (commonly known as “B20”).

7 **SEC. 517. USE OF CIVIL PENALTIES FOR RESEARCH AND**  
8 **DEVELOPMENT.**

9 Section 32912 of title 49, United States Code, is  
10 amended by adding at the end thereof the following:

11 “(e) USE OF CIVIL PENALTIES.—For fiscal year  
12 2008 and each fiscal year thereafter, from the total  
13 amount deposited in the general fund of the Treasury dur-  
14 ing the preceding fiscal year from fines, penalties, and  
15 other funds obtained through enforcement actions con-  
16 ducted pursuant to this section (including funds obtained  
17 under consent decrees), the Secretary of the Treasury,  
18 subject to the availability of appropriations, shall—

19 “(1) transfer 50 percent of such total amount  
20 to the account providing appropriations to the Sec-  
21 retary of Transportation for the administration of  
22 this chapter, which shall be used by the Secretary to  
23 carry out a program of research and development  
24 into fuel saving automotive technologies and to sup-  
25 port rulemaking under this chapter; and

1           “(2) transfer 50 percent of such total amount  
2           to the Energy Security Fund established by section  
3           518(a) of the Ten-in-Ten Fuel Economy Act.

4 **“SEC. 118. ENERGY SECURITY FUND AND ALTERNATIVE**  
5 **FUEL GRANT PROGRAM.**

6           “(a) ESTABLISHMENT OF FUND.—

7           “(1) IN GENERAL.—There is established in the  
8           Treasury a fund, to be known as the ‘Energy Secu-  
9           rity Fund’ (referred to in this section as the ‘Fund’),  
10          consisting of—

11                  “(A) amounts transferred to the Fund  
12                  under section 32912(e)(2) of title 49, United  
13                  States Code; and

14                  “(B) amounts credited to the Fund under  
15                  paragraph (2)(C).”.

16          (1) INVESTMENT OF AMOUNTS.—

17                  (A) IN GENERAL.—The Secretary of the  
18                  Treasury shall invest in interest-bearing obliga-  
19                  tions of the United States such portion of the  
20                  Fund as is not, in the judgment of the Sec-  
21                  retary of the Treasury, required to meet cur-  
22                  rent withdrawals.

23                  (B) SALE OF OBLIGATIONS.—Any obliga-  
24                  tion acquired by the Fund may be sold by the  
25                  Secretary of the Treasury at the market price.

1           (C) CREDITS TO FUND.—The interest on,  
2           and the proceeds from the sale or redemption  
3           of, any obligations held in the Fund shall be  
4           credited to, and form a part of, the Fund in ac-  
5           cordance with section 9602 of the Internal Rev-  
6           enue Code of 1986.

7           (2) USE OF AMOUNTS IN FUND.—Amounts in  
8           the Fund shall be made available to the Secretary of  
9           Energy, subject to the availability of appropriations,  
10          to carry out the grant program under subsection (b).

11          (3) ALTERNATIVE FUELS GRANT PROGRAM.—  
12          Not later than 90 days after the date of enactment  
13          of this Act, the Secretary of Energy, acting through  
14          the Clean Cities Program of the Department of En-  
15          ergy, shall establish and carry out a program under  
16          which the Secretary shall provide grants to expand  
17          the availability to consumers of alternative fuels (as  
18          defined in section 32901(a) of title 49, United  
19          States Code).

20          (4) ELIGIBILITY.—

21                (A) IN GENERAL.—Except as provided in  
22                subparagraph (B), any entity that is eligible to  
23                receive assistance under the Clean Cities Pro-  
24                gram shall be eligible to receive a grant under  
25                this subsection.

1 (B) EXCEPTIONS.—

2 (i) CERTAIN OIL COMPANIES.—A  
3 large, vertically-integrated oil company  
4 shall not be eligible to receive a grant  
5 under this subsection.

6 (ii) PROHIBITION OF DUAL BENE-  
7 FITS.—An entity that receives any other  
8 Federal funds for the construction or ex-  
9 pansion of alternative refueling infrastruc-  
10 ture shall not be eligible to receive a grant  
11 under this subsection for the construction  
12 or expansion of the same alternative refuel-  
13 ing infrastructure.

14 (C) ENSURING COMPLIANCE.—Not later  
15 than 30 days after the date of enactment of  
16 this Act, the Secretary of Energy shall promul-  
17 gate regulations to ensure that, before receiving  
18 a grant under this subsection, an eligible entity  
19 meets applicable standards relating to the in-  
20 stallation, construction, and expansion of infra-  
21 structure necessary to increase the availability  
22 to consumers of alternative fuels (as defined in  
23 section 32901(a) of title 49, United States  
24 Code).

25 (5) MAXIMUM AMOUNT.—

1 (A) GRANTS.—The amount of a grant pro-  
2 vided under this subsection shall not exceed  
3 \$30,000.

4 (B) AMOUNT PER STATION.—An eligible  
5 entity shall receive not more than \$90,000  
6 under this subsection for any station of the eli-  
7 gible entity during a fiscal year.

8 (6) USE OF FUNDS.—

9 (A) IN GENERAL.—A grant provided under  
10 this subsection shall be used for the construc-  
11 tion or expansion of alternative fueling infra-  
12 structure.

13 (B) ADMINISTRATIVE EXPENSES.—Not  
14 more than 3 percent of the amount of a grant  
15 provided under this subsection shall be used for  
16 administrative expenses.

17 **SEC. 518. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Sec-  
19 retary of Transportation \$25,000,000 for each of fiscal  
20 years 2009 through 2021 to carry out the provisions of  
21 chapter 329 of title 49, United States Code.

22 **TITLE VI—PRICE GOUGING**

23 **SEC. 601. SHORT TITLE.**

24 This title may be cited as the “Petroleum Consumer  
25 Price Gouging Protection Act”.

1 **SEC. 602. DEFINITIONS.**

2 In this title:

3 (1) **AFFECTED AREA.**—The term “affected  
4 area” means an area covered by a Presidential dec-  
5 laration of energy emergency.

6 (2) **SUPPLIER.**—The term “supplier” means  
7 any person engaged in the trade or business of sell-  
8 ing or reselling, at retail or wholesale, or distributing  
9 crude oil, gasoline, or petroleum distillates.

10 (3) **PRICE GOUGING.**—The term “price  
11 gouging” means the charging of an unconscionably  
12 excessive price by a supplier in an affected area.

13 (4) **UNCONSCIONABLY EXCESSIVE PRICE.**—The  
14 term “unconscionably excessive price” means a price  
15 charged in an affected area for crude oil, gasoline,  
16 or petroleum distillates that—

17 (A)(i) represents a gross disparity between  
18 the price at which it was offered for sale in the  
19 usual course of the supplier’s business imme-  
20 diately prior to the President’s declaration of an  
21 energy emergency;

22 (ii) grossly exceeds the price at which the  
23 same or similar crude oil, gasoline, or petroleum  
24 distillate was readily obtainable by other pur-  
25 chasers in the affected area; or

1 (iii) represents an exercise of unfair lever-  
2 age or unconscionable means on the part of the  
3 supplier, during a period of declared energy  
4 emergency; and

5 (B) is not attributable to increased whole-  
6 sale or operational costs outside the control of  
7 the supplier, incurred in connection with the  
8 sale of crude oil, gasoline, or petroleum dis-  
9 tillates.

10 (5) COMMISSION.—The term “Commission”  
11 means the Federal Trade Commission.

12 **SEC. 603. PROHIBITION ON PRICE GOUGING DURING EN-**  
13 **ERGY EMERGENCIES.**

14 (a) IN GENERAL.—During any energy emergency de-  
15 clared by the President under section 606 of this title, it  
16 is unlawful for any supplier to sell, or offer to sell, crude  
17 oil, gasoline, or petroleum distillates in, or for use in, the  
18 area to which that declaration applies at an unconscion-  
19 ably excessive price.

20 (b) FACTORS CONSIDERED.—In determining whether  
21 a violation of subsection (a) has occurred, there shall be  
22 taken into account, among other factors, the price that  
23 would reasonably equate supply and demand in a competi-  
24 tive and freely functioning market.

1 **SEC. 604. PROHIBITION ON MARKET MANIPULATION.**

2 It is unlawful for any person, directly or indirectly,  
3 to use or employ, in connection with the purchase or sale  
4 of crude oil, gasoline, or petroleum distillates at wholesale,  
5 any manipulative or deceptive device or contrivance, in  
6 contravention of such rules and regulations as the Com-  
7 mission may prescribe as necessary or appropriate in the  
8 public interest or for the protection of United States citi-  
9 zens.

10 **SEC. 605. PROHIBITION ON FALSE INFORMATION.**

11 (a) IN GENERAL.—It is unlawful for any person to  
12 report information related to the wholesale price of crude  
13 oil, gasoline, or petroleum distillates to the Commission  
14 if—

15 (1) that person knew, or reasonably should have  
16 known, the information to be false or misleading;

17 (2) the information was required by law to be  
18 reported; and

19 (3) the person intended the false or misleading  
20 data to affect data compiled by the Commission for  
21 statistical or analytical purposes with respect to the  
22 market for crude oil, gasoline, or petroleum dis-  
23 tillates.

1 **SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMER-**  
2 **GENCY.**

3 (a) **IN GENERAL.**—If the President finds that the  
4 health, safety, welfare, or economic well-being of the citi-  
5 zens of the United States is at risk because of a shortage  
6 or imminent shortage of adequate supplies of crude oil,  
7 gasoline, or petroleum distillates due to a disruption in  
8 the national distribution system for crude oil, gasoline, or  
9 petroleum distillates (including such a shortage related to  
10 a major disaster (as defined in section 102(2) of the Rob-  
11 ert T. Stafford Disaster Relief and Emergency Assistance  
12 Act (42 U.S.C. 5122(2))), or significant pricing anomalies  
13 in national energy markets for crude oil, gasoline, or pe-  
14 troleum distillates, the President may declare that a Fed-  
15 eral energy emergency exists.

16 (b) **SCOPE AND DURATION.**—The emergency declara-  
17 tion shall specify—

18 (1) the period, not to exceed 30 days, for which  
19 the declaration applies;

20 (2) the circumstance or condition necessitating  
21 the declaration; and

22 (3) the area or region to which it applies,  
23 which, for the 48 contiguous states may not be lim-  
24 ited to a single State.

25 (c) **EXTENSIONS.**—The President may—

1           (1) extend a declaration under subsection (a)  
2           for a period of not more than 30 days; and

3           (2) extend such a declaration more than once.

4 **SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COM-**  
5 **MISSION.**

6           (a) **ENFORCEMENT.**—This title shall be enforced by  
7 the Federal Trade Commission. In enforcing section 603  
8 of this title, the Commission shall give priority to enforce-  
9 ment actions concerning companies with total United  
10 States wholesale or retail sales of crude oil, gasoline, and  
11 petroleum distillates in excess of \$500,000,000 per year  
12 but shall not exclude enforcement actions against compa-  
13 nies with total United States wholesale sales of  
14 \$500,000,000 or less per year.

15           (b) **VIOLATION IS UNFAIR OR DECEPTIVE ACT OR**  
16 **PRACTICE.**—The violation of any provision of this title  
17 shall be treated as an unfair or deceptive act or practice  
18 proscribed under a rule issued under section 18(a)(1)(B)  
19 of the Federal Trade Commission Act (15 U.S.C.  
20 57a(a)(1)(B)).

21           (c) **COMMISSION ACTIONS.**—Following the declara-  
22 tion of an energy emergency by the President under sec-  
23 tion 606 of this title, the Commission shall—

24           (1) establish within the Commission—

1 (A) a toll-free hotline that a consumer may  
2 call to report an incident of price gouging in the  
3 affected area; and

4 (B) a program to develop and distribute to  
5 the public informational materials to assist resi-  
6 dents of the affected area in detecting and  
7 avoiding price gouging;

8 (2) consult with the Attorney General, the  
9 United States Attorney for the districts in which a  
10 disaster occurred (if the declaration is related to a  
11 major disaster), and State and local law enforcement  
12 officials to determine whether any supplier in the af-  
13 fected area is charging or has charged an uncon-  
14 scionably excessive price for crude oil, gasoline, or  
15 petroleum distillates in the affected area; and

16 (3) conduct an investigation to determine  
17 whether any supplier in the affected area has vio-  
18 lated section 603 of this title, and upon such find-  
19 ing, take any action the Commission determines to  
20 be appropriate to remedy the violation.

21 **SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

22 (a) **IN GENERAL.**—A State, as *parens patriae*, may  
23 bring a civil action on behalf of its residents in an appro-  
24 priate district court of the United States to enforce the  
25 provisions of section 603 of this title, or to impose the

1 civil penalties authorized by section 609 for violations of  
2 section 603, whenever the attorney general of the State  
3 has reason to believe that the interests of the residents  
4 of the State have been or are being threatened or adversely  
5 affected by a supplier engaged in the sale or resale, at  
6 retail or wholesale, or distribution of crude oil, gasoline,  
7 or petroleum distillates in violation of section 603 of this  
8 title.

9 (b) NOTICE.—The State shall serve written notice to  
10 the Commission of any civil action under subsection (a)  
11 prior to initiating the action. The notice shall include a  
12 copy of the complaint to be filed to initiate the civil action,  
13 except that if it is not feasible for the State to provide  
14 such prior notice, the State shall provide such notice im-  
15 mediately upon instituting the civil action.

16 (c) AUTHORITY TO INTERVENE.—Upon receiving the  
17 notice required by subsection (b), the Commission may in-  
18 tervene in the civil action and, upon intervening—

19 (1) may be heard on all matters arising in such  
20 civil action; and

21 (2) may file petitions for appeal of a decision in  
22 such civil action.

23 (d) CONSTRUCTION.—For purposes of bringing any  
24 civil action under subsection (a), nothing in this section  
25 shall prevent the attorney general of a State from exer-

1 cising the powers conferred on the Attorney General by  
2 the laws of such State to conduct investigations or to ad-  
3 minister oaths or affirmations or to compel the attendance  
4 of witnesses or the production of documentary and other  
5 evidence.

6 (e) VENUE; SERVICE OF PROCESS.—In a civil action  
7 brought under subsection (a)—

8 (1) the venue shall be a judicial district in  
9 which—

10 (A) the defendant operates;

11 (B) the defendant was authorized to do  
12 business; or

13 (C) where the defendant in the civil action  
14 is found;

15 (2) process may be served without regard to the  
16 territorial limits of the district or of the State in  
17 which the civil action is instituted; and

18 (3) a person who participated with the defend-  
19 ant in an alleged violation that is being litigated in  
20 the civil action may be joined in the civil action with-  
21 out regard to the residence of the person.

22 (f) LIMITATION ON STATE ACTION WHILE FEDERAL  
23 ACTION IS PENDING.—If the Commission has instituted  
24 a civil action or an administrative action for violation of  
25 this title, a State attorney general, or official or agency

1 of a State, may not bring an action under this section  
2 during the pendency of that action against any defendant  
3 named in the complaint of the Commission or the other  
4 agency for any violation of this title alleged in the Com-  
5 mission's civil or administrative action.

6 (g) NO PREEMPTION.—Nothing contained in this  
7 section shall prohibit an authorized State official from pro-  
8 ceeding in State court to enforce a civil or criminal statute  
9 of that State.

10 **SEC. 609. PENALTIES.**

11 (a) CIVIL PENALTY.—

12 (1) IN GENERAL.—In addition to any penalty  
13 applicable under the Federal Trade Commission Act,  
14 any supplier—

15 (A) that violates section 604 or section  
16 605 of this title is punishable by a civil penalty  
17 of not more than \$1,000,000; and

18 (B) that violates section 603 of this title is  
19 punishable by a civil penalty of—

20 (i) not more than \$500,000, in the  
21 case of an independent small business mar-  
22 keter of gasoline (within the meaning of  
23 section 324(e) of the Clean Air Act (42  
24 U.S.C. 7625(c))); and

1 (ii) not more than \$5,000,000 in the  
2 case of any other supplier.

3 (2) METHOD OF ASSESSMENT.—The penalties  
4 provided by paragraph (1) shall be assessed in the  
5 same manner as civil penalties imposed under sec-  
6 tion 5 of the Federal Trade Commission Act (15  
7 U.S.C. 45).

8 (3) MULTIPLE OFFENSES; MITIGATING FAC-  
9 TORS.—In assessing the penalty provided by sub-  
10 section (a)—

11 (A) each day of a continuing violation shall  
12 be considered a separate violation; and

13 (B) the Commission shall take into consid-  
14 eration the seriousness of the violation and the  
15 efforts of the person committing the violation to  
16 remedy the harm caused by the violation in a  
17 timely manner.

18 (b) CRIMINAL PENALTY.—Violation of section 603 of  
19 this title is punishable by a fine of not more than  
20 \$5,000,000, imprisonment for not more than 5 years, or  
21 both.

22 **SEC. 610. EFFECT ON OTHER LAWS.**

23 (a) OTHER AUTHORITY OF THE COMMISSION.—  
24 Nothing in this title shall be construed to limit or affect  
25 in any way the Commission's authority to bring enforce-

1 ment actions or take any other measure under the Federal  
2 Trade Commission Act (15 U.S.C. 41 et seq.) or any other  
3 provision of law.

4 (b) STATE LAW.—Nothing in this title preempts any  
5 State law.

## 6 **TITLE VII—ENERGY DIPLOMACY** 7 **AND SECURITY**

### 8 **SEC. 701. SHORT TITLE.**

9 This title may be cited as the “Energy Diplomacy and  
10 Security Act of 2007”.

### 11 **SEC. 702. DEFINITIONS.**

12 In this title:

13 (1) MAJOR ENERGY PRODUCER.—The term  
14 “major energy producer” means a country that—

15 (A) had crude oil, oil sands, or natural gas  
16 to liquids production of 1,000,000 barrels per  
17 day or greater average in the previous year;

18 (B) has crude oil, shale oil, or oil sands re-  
19 serves of 6,000,000,000 barrels or greater, as  
20 recognized by the Department of Energy;

21 (C) had natural gas production of  
22 30,000,000,000 cubic meters or greater in the  
23 previous year;

1 (D) has natural gas reserves of  
2 1,250,000,000,000 cubic meters or greater, as  
3 recognized by the Department of Energy; or

4 (E) is a direct supplier of natural gas or  
5 liquefied natural gas to the United States.

6 (2) MAJOR ENERGY CONSUMER.—The term  
7 “major energy consumer” means a country that—

8 (A) had an oil consumption average of  
9 1,000,000 barrels per day or greater in the pre-  
10 vious year;

11 (B) had an oil consumption growth rate of  
12 8 percent or greater in the previous year;

13 (C) had a natural gas consumption of  
14 30,000,000,000 cubic meters or greater in the  
15 previous year; or

16 (D) had a natural gas consumption growth  
17 rate of 15 percent or greater in the previous  
18 year.

19 **SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY**  
20 **AND SECURITY.**

21 (a) FINDINGS.—Congress makes the following find-  
22 ings:

23 (1) It is imperative to the national security and  
24 prosperity of the United States to have reliable, af-

1       fordable, clean, sufficient, and sustainable sources of  
2       energy.

3           (2) United States dependence on oil imports  
4       causes tremendous costs to the United States na-  
5       tional security, economy, foreign policy, military, and  
6       environmental sustainability.

7           (3) Energy security is a priority for the govern-  
8       ments of many foreign countries and increasingly  
9       plays a central role in the relations of the United  
10      States Government with foreign governments. Global  
11      reserves of oil and natural gas are concentrated in  
12      a small number of countries. Access to these oil and  
13      natural gas supplies depends on the political will of  
14      these producing states. Competition between govern-  
15      ments for access to oil and natural gas reserves can  
16      lead to economic, political, and armed conflict. Oil  
17      exporting states have received dramatically increased  
18      revenues due to high global prices, enhancing the  
19      ability of some of these states to act in a manner  
20      threatening to global stability.

21           (4) Efforts to combat poverty and protect the  
22      environment are hindered by the continued predomi-  
23      nance of oil and natural gas in meeting global en-  
24      ergy needs. Development of renewable energy  
25      through sustainable practices will help lead to a re-

1       duction in greenhouse gas emissions and enhance  
2       international development.

3           (5) Cooperation on energy issues between the  
4       United States Government and the governments of  
5       foreign countries is critical for securing the strategic  
6       and economic interests of the United States and of  
7       partner governments. In the current global energy  
8       situation, the energy policies and activities of the  
9       governments of foreign countries can have dramatic  
10      impacts on United States energy security.

11      (b) SENSE OF CONGRESS.—It is the sense of Con-  
12      gress that—

13           (1) United States national security requires  
14      that the United States Government have an energy  
15      policy that pursues the strategic goal of achieving  
16      energy security through access to clean, affordable,  
17      sufficient, reliable, and sustainable sources of en-  
18      ergy;

19           (2) achieving energy security is a priority for  
20      United States foreign policy and requires continued  
21      and enhanced engagement with foreign governments  
22      and entities in a variety of areas, including activities  
23      relating to the promotion of alternative and renew-  
24      able fuels, trade and investment in oil, coal, and nat-  
25      ural gas, energy efficiency, climate and environ-

1 mental protection, data transparency, advanced sci-  
2 entific research, public-private partnerships, and en-  
3 ergy activities in international development;

4 (3) the President should ensure that the inter-  
5 national energy activities of the United States Gov-  
6 ernment are given clear focus to support the na-  
7 tional security needs of the United States, and to  
8 this end, there should be established a mechanism to  
9 coordinate the implementation of United States  
10 international energy policy among the Federal agen-  
11 cies engaged in relevant agreements and activities;  
12 and

13 (4) the Secretary of State should ensure that  
14 energy security is integrated into the core mission of  
15 the Department of State, and to this end, there  
16 should be established within the Office of the Sec-  
17 retary of State a Coordinator for International En-  
18 ergy Affairs with responsibility for—

19 (A) developing United States international  
20 energy policy in coordination with the Depart-  
21 ment of Energy and other relevant Federal  
22 agencies;

23 (B) working with appropriate United  
24 States Government officials to develop and up-

1 date analyses of the national security implica-  
2 tions of global energy developments;

3 (C) incorporating energy security priorities  
4 into the activities of the Department;

5 (D) coordinating activities with relevant  
6 Federal agencies; and

7 (E) coordinating energy security and other  
8 relevant functions currently undertaken by of-  
9 fices within the Bureau of Economic, Business,  
10 and Agricultural Affairs, the Bureau of Democ-  
11 racy and Global Affairs, and other offices with-  
12 in the Department of State.

13 **SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.**

14 (a) FINDINGS.—Congress makes the following find-  
15 ings:

16 (1) United States Government partnership with  
17 foreign governments and entities, including partner-  
18 ship with the private sector, for securing reliable and  
19 sustainable energy is imperative to ensuring United  
20 States security and economic interests, promoting  
21 international peace and security, expanding inter-  
22 national development, supporting democratic reform,  
23 fostering economic growth, and safeguarding the en-  
24 vironment.

1           (2) Democracy and freedom should be promoted  
2 globally by partnership with foreign governments, in-  
3 cluding in particular governments of emerging de-  
4 mocracies such as those of Ukraine and Georgia, in  
5 their efforts to reduce their dependency on oil and  
6 natural gas imports.

7           (3) The United States Government and the gov-  
8 ernments of foreign countries have common needs  
9 for adequate, reliable, affordable, clean, and sustain-  
10 able energy in order to ensure national security, eco-  
11 nomic growth, and high standards of living in their  
12 countries. Cooperation by the United States Govern-  
13 ment with foreign governments on meeting energy  
14 security needs is mutually beneficial. United States  
15 Government partnership with foreign governments  
16 should include cooperation with major energy con-  
17 suming countries, major energy producing countries,  
18 and other governments seeking to advance global en-  
19 ergy security through reliable and sustainable  
20 means.

21           (4) The United States Government participates  
22 in hundreds of bilateral and multilateral energy  
23 agreements and activities with foreign governments  
24 and entities. These agreements and activities should  
25 reflect the strategic need for energy security.

1 (b) STATEMENT OF POLICY.—It is the policy of the  
2 United States—

3 (1) to advance global energy security through  
4 cooperation with foreign governments and entities;

5 (2) to promote reliable, diverse, and sustainable  
6 sources of all types of energy;

7 (3) to increase global availability of renewable  
8 and clean sources of energy;

9 (4) to decrease global dependence on oil and  
10 natural gas energy sources; and

11 (5) to engage in energy cooperation to strength-  
12 en strategic partnerships that advance peace, secu-  
13 rity, and democratic prosperity.

14 (c) AUTHORITY.—The Secretary of State, in coordi-  
15 nation with the Secretary of Energy, should immediately  
16 seek to establish and expand strategic energy partnerships  
17 with the governments of major energy producers and  
18 major energy consumers, and with governments of other  
19 countries (but excluding any countries that are ineligible  
20 to receive United States economic or military assistance).

21 (d) PURPOSES.—The purposes of the strategic energy  
22 partnerships established pursuant to subsection (c) are—

23 (1) to strengthen global relationships to pro-  
24 mote international peace and security through fos-  
25 tering cooperation in the energy sector on a mutu-

1 ally beneficial basis in accordance with respective na-  
2 tional energy policies;

3 (2) to promote the policy set forth in subsection  
4 (b), including activities to advance—

5 (A) the mutual understanding of each  
6 country's energy needs, priorities, and policies,  
7 including interparliamentary understanding;

8 (B) measures to respond to acute energy  
9 supply disruptions, particularly in regard to pe-  
10 troleum and natural gas resources;

11 (C) long-term reliability and sustainability  
12 in energy supply;

13 (D) the safeguarding and safe handling of  
14 nuclear fuel;

15 (E) human and environmental protection;

16 (F) renewable energy production;

17 (G) access to reliable and affordable en-  
18 ergy for underdeveloped areas, in particular en-  
19 ergy access for the poor;

20 (H) appropriate commercial cooperation;

21 (I) information reliability and trans-  
22 parency; and

23 (J) research and training collaboration;

24 (3) to advance the national security priority of  
25 developing sustainable and clean energy sources, in-

1 including through research and development related  
2 to, and deployment of—

3 (A) renewable electrical energy sources, in-  
4 cluding biomass, wind, and solar;

5 (B) renewable transportation fuels, includ-  
6 ing biofuels;

7 (C) clean coal technologies;

8 (D) carbon sequestration, including in con-  
9 junction with power generation, agriculture, and  
10 forestry; and

11 (E) energy and fuel efficiency, including  
12 hybrids and plug-in hybrids, flexible fuel, ad-  
13 vanced composites, hydrogen, and other trans-  
14 portation technologies; and

15 (4) to provide strategic focus for current and  
16 future United States Government activities in energy  
17 cooperation to meet the global need for energy secu-  
18 rity.

19 (e) DETERMINATION OF AGENDAS.—In general, the  
20 specific agenda with respect to a particular strategic en-  
21 ergy partnership, and the Federal agencies designated to  
22 implement related activities, shall be determined by the  
23 Secretary of State and the Secretary of Energy.

24 (f) USE OF CURRENT AGREEMENTS TO ESTABLISH  
25 PARTNERSHIPS.—Some or all of the purposes of the stra-

1 tegic energy partnerships established under subsection (c)  
2 may be pursued through existing bilateral or multilateral  
3 agreements and activities. Such agreements and activities  
4 shall be subject to the reporting requirements in sub-  
5 section (g).

6 (g) REPORTS REQUIRED.—

7 (1) INITIAL PROGRESS REPORT.—Not later  
8 than 180 days after the date of the enactment of  
9 this Act, the Secretary of State shall submit to the  
10 appropriate congressional committees a report on  
11 progress made in developing the strategic energy  
12 partnerships authorized under this section.

13 (2) ANNUAL PROGRESS REPORTS.—

14 (A) IN GENERAL.—Not later than one year  
15 after the date of the enactment of this Act, and  
16 annually thereafter for 20 years, the Secretary  
17 of State shall submit to the appropriate con-  
18 gressional committees an annual report on  
19 agreements entered into and activities under-  
20 taken pursuant to this section, including inter-  
21 national environment activities.

22 (B) CONTENT.—Each report submitted  
23 under this paragraph shall include details on—

24 (i) agreements and activities pursued  
25 by the United States Government with for-

1           eign governments and entities, the imple-  
2           mentation plans for such agreements and  
3           progress measurement benchmarks, United  
4           States Government resources used in pur-  
5           suit of such agreements and activities, and  
6           legislative changes recommended for im-  
7           proved partnership; and

8                   (ii) polices and actions in the energy  
9           sector of partnership countries pertinent to  
10          United States economic, security, and envi-  
11          ronmental interests.

12 **SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE**  
13                   **MECHANISMS.**

14          (a) FINDINGS.—Congress makes the following find-  
15          ings:

16                   (1) Cooperation between the United States Gov-  
17          ernment and governments of other countries during  
18          energy crises promotes the national security of the  
19          United States.

20                   (2) The participation of the United States in  
21          the International Energy Program established under  
22          the Agreement on an International Energy Program,  
23          done at Paris November 18, 1974 (27 UST 1685),  
24          including in the coordination of national strategic

1 petroleum reserves, is a national security asset  
2 that—

3 (A) protects the consumers and the econ-  
4 omy of the United States in the event of a  
5 major disruption in petroleum supply;

6 (B) maximizes the effectiveness of the  
7 United States strategic petroleum reserve  
8 through cooperation in accessing global reserves  
9 of various petroleum products;

10 (C) provides market reassurance in coun-  
11 tries that are members of the International En-  
12 ergy Program; and

13 (D) strengthens United States Government  
14 relationships with members of the International  
15 Energy Program.

16 (3) The International Energy Agency projects  
17 that the largest growth in demand for petroleum  
18 products, other than demand from the United  
19 States, will come from China and India, which are  
20 not members of the International Energy Program.  
21 The Governments of China and India vigorously  
22 pursue access to global oil reserves and are attempt-  
23 ing to develop national petroleum reserves. Partici-  
24 pation of the Governments of China and India in an  
25 international petroleum reserve mechanism would

1 promote global energy security, but such participa-  
2 tion should be conditional on the Governments of  
3 China and India abiding by customary petroleum re-  
4 serve management practices.

5 (4) In the Western Hemisphere, only the  
6 United States and Canada are members of the  
7 International Energy Program. The vulnerability of  
8 most Western Hemisphere countries to supply dis-  
9 ruptions from political, natural, or terrorism causes  
10 may introduce instability in the hemisphere and can  
11 be a source of conflict, despite the existence of major  
12 oil reserves in the hemisphere.

13 (5) Countries that are not members of the  
14 International Energy Program and are unable to  
15 maintain their own national strategic reserves are  
16 vulnerable to petroleum supply disruption. Disrup-  
17 tion in petroleum supply and spikes in petroleum  
18 costs could devastate the economies of developing  
19 countries and could cause internal or interstate con-  
20 flict.

21 (6) The involvement of the United States Gov-  
22 ernment in the extension of international mecha-  
23 nisms to coordinate strategic petroleum reserves and  
24 the extension of other emergency preparedness

1 measures should strengthen the current Inter-  
2 national Energy Program.

3 (b) ENERGY CRISIS RESPONSE MECHANISMS WITH  
4 INDIA AND CHINA.—

5 (1) AUTHORITY.—The Secretary of State, in  
6 coordination with the Secretary of Energy, should  
7 immediately seek to establish a petroleum crisis re-  
8 sponse mechanism or mechanisms with the Govern-  
9 ments of China and India.

10 (2) SCOPE.—The mechanism or mechanisms es-  
11 tablished under paragraph (1) should include—

12 (A) technical assistance in the development  
13 and management of national strategic petro-  
14 leum reserves;

15 (B) agreements for coordinating  
16 drawdowns of strategic petroleum reserves with  
17 the United States, conditional upon reserve  
18 holdings and management conditions estab-  
19 lished by the Secretary of Energy;

20 (C) emergency demand restraint measures;

21 (D) fuel switching preparedness and alter-  
22 native fuel production capacity; and

23 (E) ongoing demand intensity reduction  
24 programs.

1           (3) USE OF EXISTING AGREEMENTS TO ESTAB-  
2           LISH MECHANISM.—The Secretary may, after con-  
3           sultation with Congress and in accordance with ex-  
4           isting international agreements, including the Inter-  
5           national Energy Program, include China and India  
6           in a petroleum crisis response mechanism through  
7           existing or new agreements.

8           (c) ENERGY CRISIS RESPONSE MECHANISM FOR THE  
9           WESTERN HEMISPHERE.—

10           (1) AUTHORITY.—The Secretary of State, in  
11           coordination with the Secretary of Energy, should  
12           immediately seek to establish a Western Hemisphere  
13           energy crisis response mechanism.

14           (2) SCOPE.—The mechanism established under  
15           paragraph (1) should include—

16                   (A) an information sharing and coordi-  
17                   nating mechanism in case of energy supply  
18                   emergencies;

19                   (B) technical assistance in the development  
20                   and management of national strategic petro-  
21                   leum reserves within countries of the Western  
22                   Hemisphere;

23                   (C) technical assistance in developing na-  
24                   tional programs to meet the requirements of  
25                   membership in a future international energy ap-

1           plication procedure as described in subsection  
2           (d);

3           (D) emergency demand restraint measures;

4           (E) energy switching preparedness and al-  
5           ternative energy production capacity; and

6           (F) ongoing demand intensity reduction  
7           programs.

8           (3) MEMBERSHIP.—The Secretary should seek  
9           to include in the Western Hemisphere energy crisis  
10          response mechanism membership for each major en-  
11          ergy producer and major energy consumer in the  
12          Western Hemisphere and other members of the  
13          Hemisphere Energy Cooperation Forum authorized  
14          under section 706.

15          (d) INTERNATIONAL ENERGY PROGRAM APPLICA-  
16          TION PROCEDURE.—

17           (1) AUTHORITY.—The President should place  
18           on the agenda for discussion at the Governing Board  
19           of the International Energy Agency, as soon as prac-  
20           ticable, the merits of establishing an international  
21           energy program application procedure.

22           (2) PURPOSE.—The purpose of such procedure  
23           is to allow countries that are not members of the  
24           International Energy Program to apply to the Gov-  
25           erning Board of the International Energy Agency

1 for allocation of petroleum reserve stocks in times of  
2 emergency on a grant or loan basis. Such countries  
3 should also receive technical assistance for, and be  
4 subject to, conditions requiring development and  
5 management of national programs for energy emer-  
6 gency preparedness, including demand restraint, fuel  
7 switching preparedness, and development of alter-  
8 native fuels production capacity.

9 (e) REPORTS REQUIRED.—

10 (1) PETROLEUM RESERVES.—Not later than  
11 180 days after the date of the enactment of this Act,  
12 the Secretary of Energy shall submit to the appro-  
13 priate congressional committees a report that evalu-  
14 ates the options for adapting the United States na-  
15 tional strategic petroleum reserve and the inter-  
16 national petroleum reserve coordinating mechanism  
17 in order to carry out this section.

18 (2) CRISIS RESPONSE MECHANISMS.—Not later  
19 than 180 days after the date of the enactment of  
20 this Act, the Secretary of State, in coordination with  
21 the Secretary of Energy, shall submit to the appro-  
22 priate congressional committees a report on the sta-  
23 tus of the establishment of the international petro-  
24 leum crisis response mechanisms described in sub-  
25 sections (b) and (c). The report shall include rec-

1       ommendations of the Secretary of State and the Sec-  
2       retary of Energy for any legislation necessary to es-  
3       tablish or carry out such mechanisms.

4           (3) EMERGENCY APPLICATION PROCEDURE.—

5       Not later than 60 days after a discussion by the  
6       Governing Board of the International Energy Agen-  
7       cy of the application procedure described under sub-  
8       section (d), the President should submit to Congress  
9       a report that describes—

10           (A) the actions the United States Govern-  
11           ment has taken pursuant to such subsection;  
12           and

13           (B) a summary of the debate on the mat-  
14           ter before the Governing Board of the Inter-  
15           national Energy Agency, including any decision  
16           that has been reached by the Governing Board  
17           with respect to the matter.

18 **SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.**

19       (a) FINDINGS.—Congress makes the following find-  
20       ings:

21           (1) The engagement of the United States Gov-  
22           ernment with governments of countries in the West-  
23           ern Hemisphere is a strategic priority for reducing  
24           the potential for tension over energy resources,  
25           maintaining and expanding reliable energy supplies,

1 expanding use of renewable energy, and reducing the  
2 detrimental effects of energy import dependence  
3 within the hemisphere. Current energy dialogues  
4 should be expanded and refocused as needed to meet  
5 this challenge.

6 (2) Countries of the Western Hemisphere can  
7 most effectively meet their common needs for energy  
8 security and sustainability through partnership and  
9 cooperation. Cooperation between governments on  
10 energy issues will enhance bilateral relationships  
11 among countries of the hemisphere. The Western  
12 Hemisphere is rich in natural resources, including  
13 biomass, oil, natural gas, coal, and has significant  
14 opportunity for production of renewable hydro, solar,  
15 wind, and other energies. Countries of the Western  
16 Hemisphere can provide convenient and reliable  
17 markets for trade in energy goods and services.

18 (3) Development of sustainable energy alter-  
19 natives in the countries of the Western Hemisphere  
20 can improve energy security, balance of trade, and  
21 environmental quality and provide markets for en-  
22 ergy technology and agricultural products. Brazil  
23 and the United States have led the world in the pro-  
24 duction of ethanol, and deeper cooperation on

1 biofuels with other countries of the hemisphere  
2 would extend economic and security benefits.

3 (4) Private sector partnership and investment  
4 in all sources of energy is critical to providing en-  
5 ergy security in the Western Hemisphere.

6 (b) HEMISPHERE ENERGY COOPERATION FORUM.—

7 (1) ESTABLISHMENT.—The Secretary of State,  
8 in coordination with the Secretary of Energy, should  
9 immediately seek to establish a regional-based min-  
10 isterial forum to be known as the Hemisphere En-  
11 ergy Cooperation Forum.

12 (2) PURPOSES.—The Hemisphere Energy Co-  
13 operation Forum should seek—

14 (A) to strengthen relationships between the  
15 United States and other countries of the West-  
16 ern Hemisphere through cooperation on energy  
17 issues;

18 (B) to enhance cooperation between major  
19 energy producers and major energy consumers  
20 in the Western Hemisphere, particularly among  
21 the governments of Brazil, Canada, Mexico, the  
22 United States, and Venezuela;

23 (C) to ensure that energy contributes to  
24 the economic, social, and environmental en-

1           hancement of the countries of the Western  
2           Hemisphere;

3           (D) to provide an opportunity for open dia-  
4           logue and joint commitments between member  
5           governments and with private industry; and

6           (E) to provide participating countries the  
7           flexibility necessary to cooperatively address  
8           broad challenges posed to the energy supply of  
9           the Western Hemisphere that are practical in  
10          policy terms and politically acceptable.

11          (3) ACTIVITIES.—The Hemisphere Energy Co-  
12          operation Forum should implement the following ac-  
13          tivities:

14               (A) An Energy Crisis Initiative that will  
15               establish measures to respond to temporary en-  
16               ergy supply disruptions, including through—

17                       (i) strengthening sea-lane and infra-  
18                       structure security;

19                       (ii) implementing a real-time emer-  
20                       gency information sharing system;

21                       (iii) encouraging members to have  
22                       emergency mechanisms and contingency  
23                       plans in place; and

1 (iv) establishing a Western Hemi-  
2 sphere energy crisis response mechanism  
3 as authorized under section 705(c).

4 (B) An Energy Sustainability Initiative to  
5 facilitate long-term supply security through fos-  
6 tering reliable supply sources of fuels, including  
7 development, deployment, and commercializa-  
8 tion of technologies for sustainable renewable  
9 fuels within the region, including activities  
10 that—

11 (i) promote production and trade in  
12 sustainable energy, including energy from  
13 biomass;

14 (ii) facilitate investment, trade, and  
15 technology cooperation in energy infra-  
16 structure, petroleum products, natural gas  
17 (including liquefied natural gas), energy ef-  
18 ficiency (including automotive efficiency),  
19 clean fossil energy, renewable energy, and  
20 carbon sequestration;

21 (iii) promote regional infrastructure  
22 and market integration;

23 (iv) develop effective and stable regu-  
24 latory frameworks;

1 (v) develop renewable fuels standards  
2 and renewable portfolio standards;

3 (vi) establish educational training and  
4 exchange programs between member coun-  
5 tries; and

6 (vii) identify and remove barriers to  
7 trade in technology, services, and commod-  
8 ities.

9 (C) An Energy for Development Initiative  
10 to promote energy access for underdeveloped  
11 areas through energy policy and infrastructure  
12 development, including activities that—

13 (i) increase access to energy services  
14 for the poor;

15 (ii) improve energy sector market con-  
16 ditions;

17 (iii) promote rural development  
18 through biomass energy production and use;

19 (iv) increase transparency of, and par-  
20 ticipation in, energy infrastructure  
21 projects;

22 (v) promote development and deploy-  
23 ment of technology for clean and sustain-  
24 able energy development, including biofuel  
25 and clean coal technologies; and

1 (vi) facilitate use of carbon sequestra-  
2 tion methods in agriculture and forestry  
3 and linking greenhouse gas emissions re-  
4 duction programs to international carbon  
5 markets.

6 (c) HEMISPHERE ENERGY INDUSTRY GROUP.—

7 (1) AUTHORITY.—The Secretary of State, in  
8 coordination with the Secretary of Commerce and  
9 the Secretary of Energy, should approach the gov-  
10 ernments of other countries in the Western Hemi-  
11 sphere to seek cooperation in establishing a Hemi-  
12 sphere Energy Industry Group, to be coordinated by  
13 the United States Government, involving industry  
14 representatives and government representatives from  
15 the Western Hemisphere.

16 (2) PURPOSE.—The purpose of the forum  
17 should be to increase public-private partnerships,  
18 foster private investment, and enable countries of  
19 the Western Hemisphere to devise energy agendas  
20 compatible with industry capacity and cognizant of  
21 industry goals.

22 (3) TOPICS OF DIALOGUES.—Topics for the  
23 forum should include—

24 (A) promotion of a secure investment cli-  
25 mate;

1           (B) development and deployment of  
2 biofuels and other alternative fuels and clean  
3 electrical production facilities, including clean  
4 coal and carbon sequestration;

5           (C) development and deployment of energy  
6 efficient technologies and practices, including in  
7 the industrial, residential, and transportation  
8 sectors;

9           (D) investment in oil and natural gas pro-  
10 duction and distribution;

11           (E) transparency of energy production and  
12 reserves data;

13           (F) research promotion; and

14           (G) training and education exchange pro-  
15 grams.

16       (d) ANNUAL REPORT.—The Secretary of State, in co-  
17 ordination with the Secretary of Energy, shall submit to  
18 the appropriate congressional committees an annual re-  
19 port on the implementation of this section, including the  
20 strategy and benchmarks for measurement of progress de-  
21 veloped under this section.

22 **SEC. 707. APPROPRIATE CONGRESSIONAL COMMITTEES**  
23 **DEFINED.**

24       In this title, the term “appropriate congressional  
25 committees” means the Committee on Foreign Relations

1 and the Committee on Energy and Natural Resources of  
2 the Senate and the Committee on Foreign Affairs and the  
3 Committee on Energy and Commerce of the House of  
4 Representatives.

**Calendar No. 156**

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 1419**

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**A BILL**

To move the United States toward greater energy independence and security; to increase the production of clean renewable fuels; to protect consumers from price gouging; to increase the energy efficiency of products, buildings, and vehicles; to promote research on and deploy greenhouse gas capture and storage options; and to improve the energy performance of the Federal Government, and for other purposes.

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MAY 17, 2007

Read twice and ordered to be placed on the calendar