

113TH CONGRESS
2D SESSION

S. 2940

To provide for carbon dioxide and other greenhouse gas emission fees.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2014

Mr. WHITEHOUSE (for himself and Mr. SCHATZ) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To provide for carbon dioxide and other greenhouse gas
emission fees.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Opportunity
5 Carbon Fee Act”.

6 **SEC. 2. CARBON DIOXIDE AND OTHER GREENHOUSE GAS**
7 **EMISSION FEES.**

8 (a) IN GENERAL.—Chapter 38 of the Internal Rev-
9 enue Code of 1986 is amended by adding at the end there-
10 of the following new subchapter:

1 **“Subchapter E—Carbon Dioxide and Other**
2 **Greenhouse Gas Emission Fees**

“Sec. 4691. Fee for carbon dioxide emissions.

“Sec. 4692. Fee for non-carbon dioxide greenhouse gas emissions.

“Sec. 4693. Escaped methane.

“Sec. 4694. Border adjustments.

“Sec. 4695. Definitions and other rules.

3 **“SEC. 4691. FEE FOR CARBON DIOXIDE EMISSIONS.**

4 “(a) IN GENERAL.—

5 “(1) FOSSIL FUEL PRODUCTS PRODUCING CAR-
6 BON EMISSIONS.—

7 “(A) IN GENERAL.—There is hereby im-
8 posed a fee in an amount equal to the applica-
9 ble amount at the rate specified in subpara-
10 graph (B) on—

11 “(i) coal—

12 “(I) removed from any mine in
13 the United States, or

14 “(II) entered into the United
15 States for consumption, use, or
16 warehousing,

17 “(ii) petroleum products—

18 “(I) removed from any refinery,

19 “(II) removed from any terminal,
20 or

21 “(III) entered into the United
22 States for consumption, use, or
23 warehousing, and

1 “(iii) natural gas—

2 “(I) entered into any processor,

3 or

4 “(II) entered into the United
5 States for consumption, use, or
6 warehousing.

7 “(B) RATE.—The rate specified in this
8 subparagraph with respect to any product de-
9 scribed in subparagraph (A) is an amount equal
10 to the applicable amount per ton of carbon di-
11 oxide that would be emitted through the com-
12 bustion of such product (as determined by the
13 Secretary, in consultation with the Secretary of
14 Energy and the Administrator of the Environ-
15 mental Protection Agency).

16 “(2) EMISSIONS ATTRIBUTABLE TO OTHER
17 SUBSTANCES.—There is hereby imposed a fee in an
18 amount equal to the applicable amount per ton of
19 carbon dioxide emitted—

20 “(A) from any facility which—

21 “(i) is required to report emissions, or
22 to which emissions are attributed, under
23 subpart A of part 98 of title 40, Code of
24 Federal Regulations, as in effect on the

1 date of the enactment of the American Op-
 2 portunity Carbon Fee Act, and

3 “(ii) emits not less than 25,000 tons
 4 of carbon dioxide emissions during the pre-
 5 vious calendar year, and

6 “(B) by reason of the combustion or proc-
 7 essing of any product other than coal, petro-
 8 leum products, and natural gas.

9 “(b) APPLICABLE AMOUNT.—

10 “(1) IN GENERAL.—For purposes of this part,
 11 the applicable amount is—

12 “(A) for calendar year 2015, \$42,

13 “(B) for any calendar year following a year
 14 which is not a national emissions target attain-
 15 ment year, the sum of—

16 “(i) the product of the amount in ef-
 17 fect under this subparagraph for the pre-
 18 ceding calendar year and 102 percent, and

19 “(ii) the inflation adjustment amount
 20 determined under paragraph (2), and

21 “(C) for any calendar year following a year
 22 which is a national emissions target attainment
 23 year, the sum of—

1 “(i) the amount in effect under this
 2 subparagraph for the preceding calendar
 3 year, and

4 “(ii) the inflation adjustment amount
 5 determined under paragraph (2).

6 “(2) INFLATION ADJUSTMENT AMOUNT.—

7 “(A) IN GENERAL.—The inflation adjust-
 8 ment amount for any calendar year shall be an
 9 amount (not less than zero) equal to the prod-
 10 uct of—

11 “(i) the amount determined under
 12 paragraph (1)(B)(i) or (1)(C)(i), as appli-
 13 cable, for such year, and

14 “(ii) the percentage by which the CPI
 15 for the preceding calendar year exceeds the
 16 CPI for the second preceding calendar
 17 year.

18 “(B) CPI.—Rules similar to the rules of
 19 paragraphs (4) and (5) of section 1(f) shall
 20 apply for purposes of this paragraph.

21 “(3) ROUNDING.—The applicable amount under
 22 this subsection shall be rounded up to the next whole
 23 dollar amount.

24 “(4) NATIONAL EMISSIONS TARGET ATTAIN-
 25 MENT YEAR.—For purposes of paragraph (1), a cal-

1 endar year is a national emissions target attainment
 2 year if the level of greenhouse gas emissions in the
 3 United States for the calendar year does not exceed
 4 20 percent of the level of greenhouse gas emissions
 5 in the United States for calendar year 2005 as de-
 6 termined by the Secretary in consultation with the
 7 Administrator of the Environmental Protection
 8 Agency.

9 “(c) REFUNDS FOR CAPTURING CARBON DIOXIDE
 10 AND PRODUCTION OF CERTAIN GOODS.—

11 “(1) CARBON DIOXIDE CAPTURE, UTILIZATION,
 12 AND STORAGE.—

13 “(A) IN GENERAL.—In the case of a per-
 14 son who—

15 “(i) uses any coal, petroleum product,
 16 or natural gas for which a fee has been im-
 17 posed under subsection (a)(1) in a manner
 18 which results in the emission of qualified
 19 carbon dioxide,

20 “(ii) captures the resulting emitted
 21 qualified carbon dioxide at a qualified facil-
 22 ity, and

23 “(iii)(I) disposes of such qualified car-
 24 bon dioxide in secure storage, or

1 “(II) utilizes such qualified carbon di-
2 oxide in a manner provided in subpara-
3 graph (D),

4 there shall be allowed a refund, in the same
5 manner as if it were an overpayment of the fee
6 imposed by such subsection, to such person in
7 amount determined under subparagraph (B).

8 “(B) AMOUNT OF REFUND.—The amount
9 of the refund under this subparagraph is an
10 amount equal to the product of—

11 “(i) the applicable amount under sub-
12 section (b) for the calendar year in which
13 such qualified carbon dioxide was captured
14 and disposed or utilized, and

15 “(ii) the adjusted tons of qualified
16 carbon dioxide captured and disposed or
17 utilized.

18 “(C) ADJUSTED TOTAL TONS.—For pur-
19 poses of subparagraph (B), the adjusted tons of
20 qualified carbon dioxide captured and disposed
21 or utilized shall be the total tons of qualified
22 carbon dioxide captured and disposed or utilized
23 reduced by the amount of any anticipated leak-
24 age of carbon dioxide into the atmosphere due
25 to imperfect storage technology or otherwise, as

determined by the Secretary in consultation with the Administrator of the Environmental Protection Agency.

“(D) REQUIREMENTS.—

“(i) IN GENERAL.—Any refund under subparagraph (A) shall apply only with respect to qualified carbon dioxide that has been captured and disposed or utilized within the United States.

“(ii) DISPOSAL AND SECURE STORAGE.—

“(I) SECURE STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall establish regulations similar to the regulations under section 45Q(d)(2) for determining adequate security measures for the secure storage of qualified carbon dioxide for purposes of subparagraph (A)(iii)(I).

“(II) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any refund made under subparagraph (A)

1 with respect to any qualified carbon
2 dioxide which is disposed in secure
3 storage and ceases to be stored in a
4 manner consistent with the require-
5 ments of this section.

6 “(iii) UTILIZATION.—The Secretary,
7 in consultation with the Administrator of
8 the Environmental Protection Agency,
9 shall establish regulations providing for the
10 appropriate methods and manners for the
11 utilization of qualified carbon dioxide
12 under subparagraph (A)(iii)(II), including
13 the utilization of captured carbon dioxide
14 for enhanced oil or gas recovery and the
15 production of substances such as plastics,
16 biofuels, and chemicals. Such regulations
17 shall provide for the minimization of the
18 escape or further emission of the qualified
19 carbon dioxide into the atmosphere.

20 “(E) QUALIFIED CARBON DIOXIDE; QUALI-
21 FIED FACILITY.—For purposes of this para-
22 graph—

23 “(i) QUALIFIED CARBON DIOXIDE.—
24 The term ‘qualified carbon dioxide’ has the

1 same meaning given that term under sec-
2 tion 45Q(b).

3 “(ii) QUALIFIED FACILITY.—The term
4 ‘qualified facility’ has the same meaning
5 given that term under section 45Q(c), de-
6 termined without regard to paragraph (3)
7 thereof.

8 “(2) MANUFACTURE OF CERTAIN GOODS.—In
9 the case of a person who uses any coal, petroleum
10 product, or natural gas for which a fee has been im-
11 posed under subsection (a)(1) as an input for a
12 manufactured good that encapsulates carbon dioxide
13 in a manner such that it does not result in the direct
14 emission of carbon dioxide in the manufacturing or
15 subsequent use of such good, a refund shall be al-
16 lowed to such person in the same manner as if it
17 were an overpayment of the fee imposed by such sec-
18 tion in an amount that is equal to the product of—

19 “(A) an amount equal to the applicable
20 amount under subsection (b) for the calendar
21 year in which such product was used, and

22 “(B) the total tons of carbon dioxide that
23 would have otherwise been emitted through the
24 combustion of such product.

1 “(3) EXPORTS.—In the case of a person who
 2 exports any coal, petroleum product, or natural gas
 3 from the United States for which a fee has been im-
 4 posed under subsection (a)(1), a refund shall be al-
 5 lowed to such person in the same manner as if it
 6 were an overpayment of the fee imposed by such sec-
 7 tion in an amount that is equal to the fee previously
 8 imposed under such section with respect to such
 9 product.

10 **“SEC. 4692. FEE FOR NON-CARBON DIOXIDE GREENHOUSE**
 11 **GAS EMISSIONS.**

12 “(a) IN GENERAL.—There is hereby imposed a fee
 13 in an amount determined under subsection (b) on the
 14 emission (including attributed emissions) of any green-
 15 house gas other than carbon dioxide from any greenhouse
 16 gas emissions source.

17 “(b) AMOUNT OF FEE.—The amount of fee imposed
 18 by subsection (a) shall be equal to the applicable amount
 19 determined under section 4691(b) per ton of carbon diox-
 20 ide equivalent emitted by the greenhouse gas emissions
 21 source.

22 “(c) GREENHOUSE GAS EMISSIONS SOURCE.—The
 23 term ‘greenhouse gas emissions source’ means any facility
 24 which—

1 “(1) is required to report emissions (or which
2 would be required to report emissions notwith-
3 standing any other provision of law prohibiting the
4 implementation of or use of funds for such require-
5 ments), or to which emissions are attributed, under
6 part 98 of title 40, Code of Federal Regulations, as
7 in effect on the date of the enactment of the Amer-
8 ican Opportunity Carbon Fee Act, and

9 “(2) emits during the previous calendar year
10 greenhouse gases (not including carbon dioxide) at a
11 rate equal to the carbon dioxide equivalent of not
12 less than 25,000 tons.

13 “(d) SPECIAL RULES.—For purposes of determining
14 emissions under subsections (a) and (c)(2), there shall not
15 be taken into account—

16 “(1) the emission of fluorinated greenhouse
17 gases other than nitrogen trifluoride from any facil-
18 ity that is included under—

19 “(A) the electrical transmission and dis-
20 tribution equipment use source category under
21 subpart DD of part 98 of title 40, Code of Fed-
22 eral Regulations, as in effect on the date of the
23 enactment of the American Opportunity Carbon
24 Fee Act,

1 “(B) the electronics manufacturing source
2 category under subpart I of such part, as in ef-
3 fect on the date of the enactment of the Amer-
4 ican Opportunity Carbon Fee Act,

5 “(C) in the case of a facility that trans-
6 forms or destroys such gases, the industrial gas
7 supplier source category under subpart OO of
8 such part, as in effect on the date of the enact-
9 ment of the American Opportunity Carbon Fee
10 Act, or

11 “(D) the electrical equipment manufac-
12 turing or refurbishment category under subpart
13 SS of such part, as in effect on the date of the
14 enactment of the American Opportunity Carbon
15 Fee Act, or

16 “(2) the emission of trifluoride from any facility
17 that is included under—

18 “(A) the industrial gas supplier source cat-
19 egory under subpart OO of part 98 of title 40,
20 Code of Federal Regulations, as in effect on the
21 date of the enactment of the American Oppor-
22 tunity Carbon Fee Act, or

23 “(B) the source category for importers and
24 exporters of fluorinated greenhouse gases con-
25 tained in pre-charged equipment or closed-cell

1 foams under subpart QQ of such part, as in ef-
2 fect on the date of the enactment of the Amer-
3 ican Opportunity Carbon Fee Act.

4 **“SEC. 4693. ESCAPED METHANE.**

5 “(a) REPORTING PROGRAM.—

6 “(1) IN GENERAL.—Not later than January 1,
7 2016, the Secretary of the Treasury, in consultation
8 with the Administrator of the Environmental Protec-
9 tion Agency and the Administrator of the Energy
10 Information Administration, shall establish and im-
11 plement a program to provide for the collection of
12 data on methane emissions by major non-natural
13 sources, including methane emissions attributable to
14 the extraction and distribution of coal, petroleum
15 products, and natural gas.

16 “(2) ANNUAL REPORT.—Not later than 12
17 months after the date that the Secretary implements
18 the program described in paragraph (1), and annu-
19 ally thereafter, the Secretary shall issue a report, to
20 be made available to the public and the appropriate
21 Committees of Congress, on methane emissions, in-
22 cluding—

23 “(A) identification of all major non-natural
24 source categories of methane emissions,

1 “(B) the total amount, expressed in tons of
2 carbon dioxide equivalent, of—

3 “(i) methane emissions attributable to
4 the extraction and distribution of coal
5 within the United States during the pre-
6 ceding calendar year,

7 “(ii) methane emissions attributable
8 to the extraction and distribution of petro-
9 leum products within the United States
10 during the preceding calendar year, and

11 “(iii) methane emissions attributable
12 to the extraction and distribution of nat-
13 ural gas within the United States during
14 the preceding calendar year, and

15 “(C) the total amount, expressed in tons of
16 carbon dioxide equivalent, of—

17 “(i) greenhouse gas emissions attrib-
18 utable to the extraction, distribution, and
19 combustion of coal within the United
20 States during the preceding calendar year,

21 “(ii) greenhouse gas emissions attrib-
22 utable to the extraction, distribution, and
23 combustion of petroleum products within
24 the United States during the preceding cal-
25 endar year, and

1 “(iii) greenhouse gas emissions attrib-
2 utable to the extraction, distribution, and
3 combustion of natural gas within the
4 United States during the preceding cal-
5 endar year.

6 “(b) SUPPLEMENTARY FEE FOR ESCAPED METH-
7 ANE.—

8 “(1) COAL.—In the case of any calendar year
9 beginning after 2016, the fee imposed under section
10 4691(a)(1) with respect to coal shall be increased by
11 the amount determined by the Secretary (in con-
12 sultation with the Administrator of the Environ-
13 mental Protection Agency) necessary to ensure that
14 the total fees collected under such section with re-
15 spect to coal are equal to the total amount of such
16 fees that would be collected on coal if the fee im-
17 posed under section 4691(a)(1) applied to the car-
18 bon-dioxide equivalent of methane emissions re-
19 ported under subsection (a)(2)(B)(i).

20 “(2) PETROLEUM PRODUCTS.—In the case of
21 any calendar year beginning after 2016, the fee im-
22 posed under section 4691(a)(1) with respect to pe-
23 troleum products shall be increased by the amount
24 determined by the Secretary (in consultation with
25 the Administrator of the Environmental Protection

Agency) necessary to ensure that the total fees collected under such section with respect to petroleum products are equal to the total amount of such fees that would be collected on petroleum products if the fee imposed under section 4691(a)(1) applied to the carbon-dioxide equivalent of methane emissions reported under subsection (a)(2)(B)(ii).

“(3) NATURAL GAS.—In the case of any calendar year beginning after 2016, the fee imposed under section 4691(a)(1) with respect to natural gas shall be increased by the amount determined by the Secretary (in consultation with the Administrator of the Environmental Protection Agency) necessary to ensure that the total fees collected under such section with respect to natural gas are equal to the total amount of such fees that would be collected on natural gas if the fee imposed under section 4691(a)(1) applied to the carbon-dioxide equivalent of methane emissions reported under subsection (a)(2)(B)(iii).

“SEC. 4694. BORDER ADJUSTMENTS.

“(a) EXPORTS.—

“(1) IN GENERAL.—In the case of any good exported from the United States that—

“(A) is manufactured using as an input—

1 “(i) any coal, petroleum product, or
 2 natural gas that is subject to a fee under
 3 section 4691(a)(1) or 4693(b), or

4 “(ii) any product manufactured in a
 5 facility that is subject to a fee under sec-
 6 tion 4691(a)(2) or 4692(a), and

7 “(B) as a result of such fee, has been de-
 8 termined by the Secretary to be placed at a
 9 competitive disadvantage in foreign markets
 10 against similar goods that are manufactured
 11 using inputs not subject to equivalent green-
 12 house gas or carbon content taxes or fees,
 13 the Secretary may provide an equivalency refund to
 14 the person exporting such good in an amount deter-
 15 mined under paragraph (2).

16 “(2) EQUIVALENCY REFUND.—For any good
 17 identified by the Secretary under paragraph (1), the
 18 amount determined under this paragraph shall be
 19 equal to the difference between—

20 “(A) the amount of the cost of such good
 21 attributable to any fees imposed under this sub-
 22 chapter on inputs used in the manufacturing of
 23 such good (as determined under regulations es-
 24 tablished by the Secretary), and

1 “(B) the amount, if any, of the cost of
 2 such good which would be attributable to com-
 3 parable greenhouse gas or carbon content taxes
 4 or fees imposed by the foreign nation or sub-
 5 stantial governmental unit to which such good
 6 is exported if the inputs used in the manufac-
 7 turing of such good were subject to such taxes
 8 or fees (as determined under regulations estab-
 9 lished by the Secretary).

10 “(b) IMPORTS.—

11 “(1) IN GENERAL.—In the case of any good im-
 12 ported into the United States—

13 “(A) that is manufactured using as an
 14 input—

15 “(i) any coal, petroleum product, or
 16 natural gas that is not subject to a fee
 17 under section 4691(a)(1) or 4693(b), or

18 “(ii) any product manufactured in a
 19 facility that is not subject to a fee under
 20 section 4691(a)(2) or 4692(a), and

21 “(B) is placed at a competitive disadvan-
 22 tage compared to similar goods in the domestic
 23 market which are manufactured using inputs
 24 subject to such a fee, as determined under reg-
 25 ulations established by the Secretary,

1 the Secretary may impose an equivalency fee on the
2 person importing such good in an amount deter-
3 mined under paragraph (2).

4 “(2) EQUIVALENCY FEE.—For any good identi-
5 fied by the Secretary under paragraph (1), the
6 amount determined under this paragraph shall be
7 equal to the difference between—

8 “(A) the amount of the cost of such good
9 which would be attributable to any fees imposed
10 under this subchapter on inputs used in the
11 manufacturing of such good if the inputs used
12 in manufacturing such good were subject to
13 such fees (as determined under regulations es-
14 tablished by the Secretary), and

15 “(B) the amount, if any, of the cost of
16 such good which is attributable to comparable
17 greenhouse gas or carbon content taxes or fees
18 imposed by the foreign nation or substantial
19 governmental unit from which such good is im-
20 ported (as determined under regulations estab-
21 lished by the Secretary).

22 “(c) REGULATORY AUTHORITY.—The Secretary shall
23 consult with the Administrator of the Environmental Pro-
24 tection Agency and the Secretary of Energy in establishing

1 rules and regulations implementing the purposes of this
 2 section.

3 **“SEC. 4695. DEFINITIONS AND OTHER RULES.**

4 “(a) DEFINITIONS.—For purposes of this sub-
 5 chapter:

6 “(1) CARBON DIOXIDE EQUIVALENT.—

7 “(A) IN GENERAL.—Except as provided
 8 under subparagraph (B), the term ‘carbon diox-
 9 ide equivalent’ means, with respect to a green-
 10 house gas, the quantity of such gas that has a
 11 global warming potential equivalent to 1 metric
 12 ton of carbon dioxide, as determined pursuant
 13 to table A–1 of subpart A of part 98 of title 40,
 14 Code of Federal Regulations, as in effect on the
 15 date of the enactment of the American Oppor-
 16 tunity Carbon Fee Act.

17 “(B) EXCEPTION FOR
 18 HYDROFLUOROCARBONS.—In the case of
 19 hydrofluorocarbons emitted from any facility
 20 that is included under—

21 “(i) the industrial gas supplier source
 22 category under subpart OO of part 98 of
 23 title 40, Code of Federal Regulations, or

24 “(ii) the source category for importers
 25 and exporters of fluorinated greenhouse

1 gases contained in pre-charged equipment
2 or closed-cell foams under subpart QQ of
3 such part,

4 the term ‘carbon dioxide equivalent’ means 10
5 percent of the quantity of such
6 hydrofluorocarbons that has a global warming
7 potential equivalent to 1 metric ton of carbon
8 dioxide, as determined pursuant to table A–1 of
9 subpart A of such part, as in effect on the date
10 of the enactment of the American Opportunity
11 Carbon Fee Act.

12 “(2) GREENHOUSE GAS.—The term ‘greenhouse
13 gas’ has the meaning given such term under section
14 211(o)(1)(G) of the Clean Air Act, as in effect on
15 the date of the enactment of the American Oppor-
16 tunity Carbon Fee Act.

17 “(3) COAL.—The term ‘coal’ has the same
18 meaning given such term under section 48A(c)(4).

19 “(4) PETROLEUM PRODUCT.—The term ‘petro-
20 leum product’ has the same meaning given such
21 product under section 4612(a)(3).

22 “(5) TON.—

23 “(A) IN GENERAL.—The term ‘ton’ means
24 1,000 kilograms. In the case of any greenhouse
25 gas which is a gas, the term ‘ton’ means the

1 amount of such gas in cubic meters which is the
 2 equivalent of 1,000 kilograms on a molecular
 3 weight basis.

4 “(B) FRACTIONAL PART OF TON.—In the
 5 case of a fraction of a ton, any fee imposed by
 6 this subchapter on such fraction shall be the
 7 same fraction of the amount of such fee im-
 8 posed on a whole ton.

9 “(6) UNITED STATES.—The term ‘United
 10 States’ has the meaning given such term by section
 11 4612(a)(4).

12 “(b) OTHER RULES.—

13 “(1) ASSESSMENT AND COLLECTION.—Subject
 14 to subsection (d), payment of the fee imposed by
 15 sections 4691, 4692, and 4693 shall be assessed and
 16 collected in the same manner as taxes under this
 17 subtitle.

18 “(2) REGULATIONS.—The Secretary shall pre-
 19 scribe such regulations as may be necessary to carry
 20 out the provisions of this subchapter.”.

21 (b) CLERICAL AMENDMENT.—The table of sub-
 22 chapters for chapter 38 of the Internal Revenue Code of
 23 1986 is amended by adding at the end the following new
 24 item:

“SUBCHAPTER E—CARBON DIOXIDE AND OTHER GREENHOUSE GAS EMISSION
 FEES”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to taxable years beginning after
 3 December 31, 2014.

4 **SEC. 3. AMERICAN OPPORTUNITY FUND.**

5 (a) ESTABLISHMENT OF FUND.—Subchapter A of
 6 chapter 98 of the Internal Revenue Code of 1986 is
 7 amended by adding at the end thereof the following new
 8 section:

9 **“SEC. 9512. AMERICAN OPPORTUNITY FUND.**

10 “(a) CREATION OF FUND.—There is established in
 11 the Treasury of the United States a trust fund to be
 12 known as the ‘American Opportunity Fund’, consisting of
 13 such amounts as may be appropriated or credited to the
 14 American Opportunity Fund as provided in this section
 15 or section 9602(b).

16 “(b) TRANSFERS TO FUND.—There is hereby cred-
 17 ited to the American Opportunity Fund an amount equal
 18 to the budgetary effects for the American Opportunity
 19 Carbon Fee Act determined pursuant to section 4 of the
 20 Statutory Pay-As-You-Go Act of 2010 (determined with-
 21 out regard to section 5 of the American Opportunity Car-
 22 bon Fee Act).

23 “(c) EXPENDITURES FROM FUND.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
 25 amounts in the American Opportunity Fund shall be

1 made available for the following uses to assist Amer-
2 ican families and businesses:

3 “(A) Providing economic assistance to low-
4 income households or households in regions
5 with disproportionately high energy costs.

6 “(B) Transfers to the general fund of the
7 Treasury to offset tax cuts.

8 “(C) Transfers to the Federal Old-Age and
9 Survivors Trust Fund and the Federal Dis-
10 ability Insurance Trust Fund established under
11 section 201 of the Social Security Act (42
12 U.S.C. 401) to provide supplemental funding
13 for increases in Social Security benefits.

14 “(D) Providing tuition assistance for high-
15 er education or alleviating Federal student loan
16 debt.

17 “(E) Investing in improvements to the in-
18 frastructure of the United States.

19 “(F) Providing dividends directly to indi-
20 viduals and families.

21 “(G) Providing transition assistance to
22 workers and businesses in energy intensive and
23 fossil fuel industries.

24 “(H) Investing in mitigation and adapta-
25 tion measures that promote national security,

1 protect public health, conserve natural re-
 2 sources, or fulfill international climate commit-
 3 ments made by the United Nations Framework
 4 Convention on Climate Change.

5 “(I) Reducing the debt of the United
 6 States.

7 “(2) LIMITATION.—No amount may be made
 8 available from the American Opportunity Fund to
 9 create any new government agency or to fund gov-
 10 ernment operations beyond what is necessary to
 11 carry out the uses provided in paragraph (1).”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 for subchapter A of chapter 98 of such Code is amended
 14 by adding at the end thereof the following new item:

“Sec. 9512. American Opportunity Fund.”.

15 **SEC. 4. PUBLIC DISCLOSURE OF REVENUES AND EXPENDI-**
 16 **TURES.**

17 (a) ESTABLISHMENT OF WEBSITE.—The Secretary
 18 of the Treasury, or the Secretary’s designee, shall estab-
 19 lish a website for purposes of making the disclosures de-
 20 scribed in subsection (b).

21 (b) DISCLOSURES.—The Secretary shall make pub-
 22 licly available, on an ongoing basis and as frequently as
 23 possible, the following information:

1 (1) The amount and sources of revenue attrib-
 2 utable to this Act and the amendments made by this
 3 Act.

4 (2) The amount, programs, and purposes for
 5 which expenditures are made from the American Op-
 6 portunity Fund.

7 **SEC. 5. BUDGETARY PROVISIONS.**

8 (a) BUDGETARY EFFECTS OF THIS ACT.—

9 (1) PAYGO SCORECARD.—The budgetary effects
 10 of this Act and the amendments made by this Act
 11 shall not be entered on either PAYGO scorecard
 12 maintained pursuant to section 4(d) of the Statutory
 13 Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

14 (2) SENATE PAYGO SCORECARD.—The budg-
 15 etary effects of this Act and the amendments made
 16 by this Act shall not be entered on any PAYGO
 17 scorecard maintained for purposes of section 201 of
 18 S. Con. Res. 21 (110th Congress).

19 (b) EXCLUSION FROM DETERMINATION OF
 20 BREACH.—Section 251(a) of the Balanced Budget and
 21 Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a))
 22 is amended by adding at the end the following:

23 “(8) AMERICAN OPPORTUNITY FUND.—In de-
 24 termining whether there has been a breach during a
 25 fiscal year, the Office of Management and Budget

1 shall not include amounts appropriated from the
 2 American Opportunity Fund during the fiscal year
 3 as discretionary appropriations if the Director of the
 4 Office of Management and Budget determines that
 5 amounts are appropriated to assist American fami-
 6 lies and businesses in a manner described in section
 7 9512(c) of the Internal Revenue Code of 1986.”.

8 (c) PAYGO LEGISLATION.—Section 4 of the Statu-
 9 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 933) is amend-
 10 ed by adding at the end the following:

11 “(h) OFFSET FROM AMERICAN OPPORTUNITY
 12 FUND.—In determining the budgetary effects of a
 13 PAYGO Act, CBO or OMB, as applicable, shall treat any
 14 amounts transferred from the American Opportunity
 15 Fund to the General Fund of the Treasury under the
 16 PAYGO Act as a savings if the Director of CBO or the
 17 Director of OMB, as applicable, determines that the
 18 amounts are transferred to assist American families and
 19 businesses in a manner described in section 9512(c) of the
 20 Internal Revenue Code of 1986.”.

21 **SEC. 6. SEVERABILITY.**

22 If any provision of this Act or amendment made by
 23 this Act, or the application of a provision or amendment
 24 to any person or circumstance, is held to be unconstitu-
 25 tional, the remainder of this Act and amendments made

1 by this Act, and the application of the provisions and
2 amendment to any person or circumstance, shall not be
3 affected by the holding.

