

COLORADO ENERGY SCIENCE  
CENTER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 5, 2008*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize the Colorado Energy Science Center for being the recipient of the 2008 Golden Rotary Ethics in Business Award.

The Colorado Energy Science Center was "spun off" from the National Renewable Energy Laboratory to provide an independent institution that could serve the community with objective advice on energy efficiency and renewable energy applications. The Colorado Energy Science Center has fulfilled this ambition through several hundred consumer workshops, dozens of educational classes in public schools and a widely distributed free magazine. Most services to the consumer and community are free of charge.

The Colorado Energy Science Center is broadening services through training programs for home builders to assure energy efficiency of new and remodeled houses.

To provide advice of such importance, frequently involving the potential of substantial investment, requires competent, unbiased, well informed, responsible and reliable information of the highest integrity. These are the principles that guide the activities of the Colorado Energy Science Center and staff.

My deepest congratulations to the Colorado Energy Science Center for your fine work.

PERSONAL EXPLANATION

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 5, 2008*

Mr. ANDREWS. Madam Speaker, I was not present on May 22, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 350, rollcall 351, rollcall 352, rollcall 353, rollcall 354, rollcall 357, rollcall 359, rollcall 360, rollcall 361, rollcall 362, rollcall 363, rollcall 365, rollcall 366.

I would have voted "nay" on the following: rollcall 355, rollcall 356, rollcall 358, rollcall 364.

PERSONAL EXPLANATION

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 5, 2008*

Mr. ELLISON. Madam Speaker, on Wednesday, June 4, 2008, I inadvertently failed to vote on rollcall No. 379. Had I voted, I would have voted "aye."

PERSONAL EXPLANATION

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 5, 2008*

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on June 4, 2008:

On ordering the previous question on H. Res. 1234, providing for consideration of H.R. 3021, the 21st Century Green High-Performing Public School Facilities (Rollcall vote No. 370), I would have voted "nay."

On agreeing to the resolution, H. Res. 1234, providing for consideration of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 371), I would have voted "nay."

On the motion to suspend the rules and pass, as amended, H.R. 1343, the Health Centers Renewal Act of 2007 (Rollcall vote No. 372), I would have voted "aye."

On the motion to suspend the rules and pass H.R. 5669, the Poison Center Support, Enhancement, and Awareness Act of 2008 (Rollcall vote No. 373), I would have voted "aye."

On agreeing to the Kildee Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 374), I would have voted "nay."

On agreeing to the Ehlers Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 375), I would have voted "aye."

On agreeing to the Welch Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 376), I would have voted "aye."

On agreeing to the Matheson of Utah Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 377), I would have voted "nay."

On the motion to recommit with instructions H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 378), I would have voted "aye."

On Passage of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 379), I would have voted "nay."

IN MEMORY OF SPECIALIST DAVID  
LEE LEIMBACH

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 5, 2008*

Mr. WILSON of South Carolina. Madam Speaker, on May 25, Specialist David Lee Leimbach of Taylors, South Carolina, was killed while serving in Afghanistan. Specialist Leimbach had been in Afghanistan with my former unit, the 218th Brigade Combat Team of the South Carolina Army National Guard. The 218th recently returned home after a year of training police and army forces, but Leimbach volunteered to stay in Afghanistan with the 2nd Squadron, 101st Cavalry of the New York Army National Guard.

We honor the dedication exemplified by Specialist Leimbach. His willingness to remain

in a combat zone, to continue the difficult but important work of protecting the Afghani people and helping to stabilize their country speaks to the highest qualities of character and courage. According to those who served with him, Specialist Leimbach was a soldier that would do all that was asked of him. Our Nation is safer and stronger because of the ultimate sacrifice made by Specialist Leimbach.

Our thoughts and prayers are with Specialist Leimbach's wife, Dawn, and all his family, friends, and fellow soldiers of the 218th during this difficult time. Specialist Leimbach's life and sacrifice are a testament to the strength and selfless dedication he and his fellow soldiers have for the defense of liberty. He has made a difference protecting American families by defeating terrorists overseas. Our troops are helping the people of Afghanistan build an effective government and robust economy which will deny terrorists safe havens from which to murder Americans as devised on September 11, 2001.

We will forever be grateful for the courage and dedication of Specialist David Lee Leimbach and his family.

THE INVESTING IN CLIMATE ACTION AND PROTECTION ACT (H.R. 6186)

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 5, 2008*

Mr. MARKEY. Madam Speaker, yesterday I introduced, H.R. 6186, the "Investing in Climate Action and Protection Act," or "iCAP Act." I would like to call the attention of my colleagues to the following subtitle-by-subtitle summary of the bill:

**TITLE I—CAPPING GREENHOUSE GAS EMISSIONS**

**SECTION 101. AMENDMENT TO THE CLEAN AIR ACT**

Section 101 of the bill adds a new Title VII to the Clean Air Act, the subtitles of which are summarized below.

**Subtitle A: Tracking Emissions**

Subtitle A establishes a process through which EPA may designate new greenhouse gases and directs EPA to determine the quantity of each greenhouse gas that makes the same contribution to global warming as one metric ton of carbon dioxide. EPA is also directed to establish a national greenhouse gas registry.

**Subtitle B: Reducing Emissions**

Subtitle B directs EPA to establish a separate quantity of emission allowances for each calendar year from 2012 through 2050. The bill covers emissions of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydro fluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>)—plus any other anthropogenic gas that EPA designates as a greenhouse gas. Each emission allowance is equal to one metric ton CO<sub>2</sub>—equivalent—the quantity of a greenhouse gas that makes the same contribution to global warming as one metric ton of CO<sub>2</sub>. The emissions "cap" will cover 87 percent of U.S. greenhouse gas emissions. The cap reduces covered emissions to 2005 levels by 2012, to 20 percent below 2005 levels in 2020, and 85 percent below 2005 levels in 2050.

The bill requires the owner or operator of each "covered entity," at the end of each

calendar year from 2012 through 2050, to submit to EPA one emission allowance for each metric ton CO<sub>2</sub>-equivalent of greenhouse gases that it emitted or that was contained in the fuels or chemicals it put into commerce that year. Covered entities include: (1) electric power and industrial facilities; (2) entities that produce or import petroleum- or coal-based liquid or gaseous fuels; (3) entities that produce or import HFCs, PFCs, SF<sub>6</sub>, or NF<sub>3</sub>; (4) natural gas local distribution companies; and (5) geological carbon sequestration sites. Entities that do not meet a 10,000 CO<sub>2</sub>-equivalent threshold will not be required to submit allowances. HFC producers will not be required to submit allowances until 2020 in order to ensure success in meeting Montreal Protocol targets and to allow HFC substitutes to come to market.

A covered entity may submit domestic offset credits approved by EPA under subtitle E in lieu of emission allowances to satisfy up to 15 percent of its compliance requirement. A covered entity may also submit international emission allowances or offset credits approved by EPA under subtitle F to satisfy up to 15 percent of its compliance requirement. A covered entity may also submit destruction credits—issued by EPA to entities that convert a greenhouse gas (other than methane) to a gas with a lower global warming potential—in lieu of emission allowances.

#### **Subtitle C: Distribution of Allowances**

Subtitle C directs EPA to auction virtually all of the emission allowances each year, beginning with 94 percent auction from 2012–2019 and transitioning to 100 percent auction in 2020. Six percent of allowances from 2012 through 2019 will be distributed to U.S. manufacturers of trade-exposed primary goods (such as iron and steel, cement, aluminum, bulk glass, and paper) as a transitional measure to avoid shifting production abroad.

Auction proceeds will be used for a variety of public benefit purposes. Up to 0.5 percent of proceeds will be used to cover the costs of EPA and Federal Energy Regulatory Commission administration of the bill. Fifty million dollars per year will be dedicated to climate change education programs and centers for excellence established under Subtitle H of Title III. All remaining proceeds will be divided among 10 funds that will support the programs described in Title III and Title IV of the bill.

#### **Subtitle D: Trading, Banking, and Borrowing**

Subtitle D establishes rules for the trading, banking, and borrowing of emission allowances. Anyone may buy, sell, or transfer emission allowances, or submit them to EPA for retirement. Unlimited “banking” of allowances for future use is permitted. A covered entity may also borrow allowances from EPA (to be drawn from the emissions budget for future years) to meet up to 15 percent of its annual compliance obligation, but an allowance “loan” must be repaid within 5 years with 10 percent annual interest.

#### **Subtitle E: Offsets**

Subtitle E establishes a program to issue offset credits to entities that carry out projects in the United States that achieve real, verifiable, additional, permanent, and enforceable reductions in emissions or increases in storage of carbon in plants and soils. Four types of projects will be eligible to receive offset credits: (1) reductions in (outside-the-cap) greenhouse gas emissions from oil and gas systems; (2) reductions in greenhouse gas emissions from livestock operations; (3) reductions in greenhouse gas emissions from coal mines; and (4) increases in biological carbon sequestration through afforestation and reforestation. Activities covered by the cap or by 3 performance

standards in subtitle H, or receiving support under Title III are not eligible to earn offset credits. Subtitle E directs EPA to establish rigorous monitoring, quantification, and accounting protocols and standards for approval of offset credits.

#### **Subtitle F: International Emission Allowances and Offset Credits**

Subtitle F directs EPA to establish regulations providing for approval of emission allowances from foreign greenhouse markets that impose mandatory absolute limits on emissions that are of comparable stringency to the program established by this bill.

Subtitle F also directs EPA to establish regulations providing for approval of categories and subcategories of international offset credits that meet certain criteria. Only credits generated from projects in countries that have taken action on climate change comparable to that of the United States, or in countries that have very low emissions or are among the least developed of developing countries, are eligible for use under this title.

#### **Subtitle G: Global Effort to Reduce Greenhouse Gas Emissions**

Subtitle G directs the President to determine whether each foreign country has taken action to reduce greenhouse gas emissions that is “comparable” to that of the United States, taking into account the level of economic development of each country. If, by 2020, any country has not taken “comparable” action, the President is authorized to require importers of trade-exposed primary goods (e.g., iron and steel, cement, aluminum, bulk glass, and paper) from those countries to purchase special “international reserve allowances” to account for the greenhouse gas emissions from the production of the goods. Least-developed countries and countries with low greenhouse gas emissions will be exempt from this requirement.

#### **Subtitle H: Standards for Coal-Fired Power Plants and Non-Covered Facilities**

Subtitle H directs EPA to promulgate performance standards for certain sources not included under the cap—such as coal mines, landfills, wastewater treatment operations, and large animal feeding operations—that emit at least 10,000 metric tons CO<sub>2</sub>-equivalent per year. These standards will require such sources to apply best available control technologies or practices.

Subtitle H also establishes performance standards requiring any new coal-fired power plant on which construction begins after January 1, 2009, to achieve capture and geological sequestration of 85 percent of their CO<sub>2</sub> emissions within a defined time frame.

#### **SECTION 102: CONFORMING AMENDMENTS**

Section 102 of the Act amends sections 113, 114, and 307 of the Clean Air Act to make the Act's existing mechanisms for enforcement, inspections, administrative process, and judicial review applicable to the new Title VII of the Act.

#### **SECTION 103: COMPLEMENTARY POLICIES FOR HYDROFLUOROCARBONS**

To ensure proper use and disposal of HFCs and other fluorinated gases used as substitutes for ozone-depleting substances, this section amends sections 608 and 609 of the Clean Air Act to extend to these substances the requirements of the Clean Air Act that already apply to the sale, use, and disposal of chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs).

#### **SECTION 104: WAIVER OF PREEMPTION FOR CALIFORNIA STANDARDS FOR VEHICLE GREENHOUSE GAS EMISSIONS**

This section overrides EPA's December 2007 denial of California's petition for a waiver of preemption under the Clean Air Act of its greenhouse gas emissions standards for vehicles.

#### **SECTION 105: LOW-CARBON FUEL STANDARD**

This section amends section 211 of the Clean Air Act to establish a Low-Carbon Fuel Standard (LCFS). The LCFS establishes a market-based system to incentivize reductions in the lifecycle greenhouse gas emissions associated with the production and use of transportation fuels. The LCFS is integrated with the current Renewable Fuel Standard.

#### **TITLE II—CARBON MARKET OVERSIGHT**

Title II creates a new Office of Carbon Market Oversight (“OCMO”) within the Federal Energy Regulatory Commission, which is charged with ensuring transparency, fairness, and stability in the market for emission allowances, offset credits, and derivatives thereof (collectively referred to as “regulated instruments”). The OCMO will establish rules requiring registration of (1) self-regulating “registered carbon trading facilities” on which regulated instruments are traded, (2) “carbon clearing organizations” that provide clearing services to trading facilities, and (3) brokers and dealers trading in regulated instruments.

Trading of regulated instruments generally will be limited to registered exchanges, except that large institutions and high net-worth individuals are permitted to trade regulated derivatives off-exchange. To ensure market transparency and stability, the OCMO will establish regulations providing for reporting of trading activity by large traders in regulated instruments and may adopt position limits or position accountability requirements. Title II establishes rules against fraud and market manipulation, enforceable through administrative penalties, civil enforcement suits, or criminal prosecution. Finally, the OCMO will provide quarterly reports to Congress on the functioning of the carbon market and its effects on the U.S. economy.

#### **TITLE III—INVESTING IN AMERICA'S LOW-CARBON FUTURE**

##### **Subtitle A: Climate Trust Tax Credits and Rebates**

Under Subtitle A, an estimated \$4.3 trillion (55 to 58.5 percent of auction proceeds) will be used for refundable tax credits and rebates for middle- and low-income households, to compensate for any increase in energy costs resulting from the bill. Tax credits will be used to reach middle-income wage earners and senior citizens, and cash rebates will be used to reach low-income households. Households earning under \$110,000 will be eligible, and virtually all costs from climate regulation will be covered for households earning under \$70,000.

##### **Subtitle B: Low-Carbon Technology Fund**

Under Subtitle B, an estimated \$963 billion (12.5 percent of auction proceeds) will be used to fund low-carbon energy technology programs administered by the Department of Energy. These include existing RD&D programs for renewable electricity generation, carbon capture and sequestration (CCS), electric transmission and distribution efficiency, cellulosic ethanol, low-emission vehicles, building and industrial efficiency, energy storage technologies, and the Advanced Research Projects Agency-Energy. Subtitle B also establishes new programs to promote the deployment of large-scale and distributed renewable energy generation and to provide cost-sharing grants to cover the incremental costs of implementing CCS technology at coal-fired power plants that commence construction before 2020.

##### **Subtitle C: National Energy Efficiency Fund**

Under Subtitle C, an estimated \$963 billion (12.5 percent of auction proceeds) will be used

to fund an array of efficiency programs. These include: (1) a program to award incentive payments to States based on the level of energy savings each State achieves annually through consumer efficiency programs; (2) programs to award grants to States that implement building efficiency and recycling policies; (3) funding for the Weatherization Assistance Program for low-income persons and the Low Income Home Energy Assistance Program; and (4) grants to support State and local mass transit and "smart growth" projects to reduce vehicle miles traveled.

#### **Subtitle D: Agriculture and Forestry Carbon Fund**

Under Subtitle D, an estimated \$378 billion (4.5 to 5 percent of auction proceeds) will be used to fund a program, administered by the Department of Agriculture, to support projects by U.S. farmers and foresters that increase biological sequestration of carbon and reduce greenhouse gas emissions through improved agricultural soil management and forest management practices. USDA is also directed to undertake a supporting program of research, education, and outreach.

#### **Subtitle E: Green Jobs Training and Worker Transition Assistance**

Under Subtitle E, an estimated \$147 billion (1.5 to 2 percent of auction proceeds) will be used to fund the green jobs training programs established under the Energy Independence and Security Act of 2007, and a program, administered by the Department of Labor, which will provide training, income support, and tax credits for health care insurance for up to two years to any workers affected by the transition to a new low-carbon economy.

#### **Subtitle F: National Climate Change Adaptation Program**

Under Subtitle F, an estimated \$185 billion (2 to 2.5 percent of auction proceeds) will be used to support a comprehensive program to increase America's resilience to the impacts of climate change. Under this program, NOAA will periodically assess America's vulnerability to such impacts and provide assistance to federal, state, local, and tribal decision makers in developing adaptation strategies. Subtitle F directs federal agencies to develop and implement plans to address climate change impacts within their jurisdictions and provides funding for State, local, and tribal government projects to reduce vulnerability to climate change impacts.

#### **Subtitle G: Natural Resource Conservation Fund**

Under Subtitle G, an estimated \$147 billion (1.5 to 2 percent of auction proceeds) will be used to support measures, implemented by federal land and natural resource management agencies, the States, and Indian tribes to protect U.S. natural resources, wildlife, and fisheries against adverse impacts from climate change.

#### **Subtitle H: Climate Change Education and Centers for Excellence**

Under Subtitle H, an estimated \$2 billion (\$50 million per year) will be used to provide support, through the National Science Foundation and EPA, for the development and implementation of climate change education programs and to provide cost-sharing grants supporting the establishment, at colleges, universities, and non-profit organizations, of national centers for excellence on climate change science, technology, and policy.

### **TITLE IV—ENCOURAGING GLOBAL ACTION**

#### **Subtitle A: International Forest Protection Fund**

Under Subtitle A, an estimated \$147 billion (1.5 to 2 percent of auction proceeds) will be

used to support policies in qualifying developing countries that reduce emissions from deforestation and forest degradation or increase carbon sequestration through restoration of forests and degraded lands, afforestation, and improved forest management. Countries that initially do not qualify are eligible for capacity-building grants to prepare them for participation.

#### **Subtitle B: International Clean Technology Fund**

Under Subtitle B, an estimated \$301 billion (3.5 to 4 percent of auction proceeds) will be used to provide support for the adoption of clean energy and efficiency technologies by major-emitting developing countries that the President certifies as having taken "comparable action" to combat climate change, taking into account the country's level of economic development.

#### **Subtitle C: International Climate Change Adaptation Fund**

Under Subtitle C, an estimated \$185 billion (2 to 2.5 percent of auction proceeds) will be used to support an international adaptation program, to be administered by the U.S. Agency for International Development, which will fund projects to assist the most vulnerable developing countries in adapting to the impacts of climate change.

### **TITLE V—LEGAL FRAMEWORK FOR GEOLOGICAL SEQUESTRATION OF CARBON DIOXIDE**

Title V amends the Safe Drinking Water Act to require EPA to develop comprehensive regulatory standards for underground injection of carbon dioxide, and directs EPA to establish a task force charged with providing Congress with recommendations regarding the legal framework to govern liability with respect to closed geological storage sites.

### **TITLE VI—BUILDING EFFICIENCY STANDARDS**

Title VI incorporates provisions from the House-passed version of the energy bill from 2007, requiring the Department of Energy to develop model building efficiency codes that States are required to adopt and enforce. States that do so become eligible for funding from the National Energy Efficiency Fund (described in subtitle C of Title III).

### **TITLE VII—REVIEWS AND RECOMMENDATIONS**

Title VII establishes a comprehensive framework for periodic review and reports to Congress, by the National Academy of Sciences (NAS), the Government Accountability Office (GAO), and relevant federal agencies, of all major aspects of the bill. Every five years, an interagency body will make recommendations to the President, and the President will in turn make recommendations to Congress, on changes to the framework established by the bill. Title VII also provides for expedited Congressional consideration of a presidential recommendation to tighten the bill's emissions cap if the NAS's findings indicate such action is necessary.

### **INTRODUCTORY REMARKS OF THE REV. EARL ABEL POST OFFICE NAMING BILL**

#### **HON. EMANUEL CLEAVER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. CLEAVER. Madam Speaker, as Mayor of Kansas City, Missouri and in my career as a Methodist minister, I had the distinct honor

of getting to know many of the dedicated community leaders whose sole purpose for being involved was to improve the lives of their fellow citizens. One of the best and most beloved of these leaders was the Reverend Earl Abel.

Reverend Abel was born on September 12, 1930. He attended the University of Kansas and went on to receive his Doctor of Divinity Degree from Western Baptist Bible College. Reverend Abel worked as a U.S. Postal Service mail carrier until he organized the Palestine Missionary Baptist Church in 1959.

Under Reverend Abel's leadership, what started out as a modest church of 11 members grew into a thriving ministry, touching the lives of thousands of community members across Kansas City, Missouri. While he was pastor, Palestine Church built two senior citizens residences, a Senior Activity Center, and a church camp for both youth and adults. Even as he worked tirelessly to reach out through these programs, Reverend Abel's involvement in the community did not end with his efforts at Palestine Church. Reverend Abel served as Chaplain for the Kansas City Police Department, President of the Baptist Ministers Union, member of the Kansas City Council on Crime Prevention, and authored a book entitled *If a Church is to Grow*. In 1999, Missouri Governor Mel Carnahan appointed Reverend Abel to the Appellate Judicial Commission.

On May 17, 2005, Reverend Abel passed away after 46 years of service at Palestine Missionary Baptist Church of Jesus Christ and more than 48 years as a minister of God.

Today I rise to offer a bill to honor this man by naming a post office facility in Kansas City after him. Given his early career as a mail carrier, it is only fitting for the location at 1700 Cleveland Avenue, in the heart of Kansas City, to carry his name. It is my hope that this small gesture helps ensure that the legacy of Reverend Abel lives on. A companion bill in the Senate will be filed today by Senator CLAIRE McCASKILL, herself a tireless public servant and a friend of Reverend Abel.

I hope my fellow colleagues will join me in recognizing Reverend Earl Abel for his loving ministry and limitless dedication to serving the Kansas City, Missouri community. I thank the Chair and ask that the full text of the bill, and these remarks, be inserted into the RECORD at the appropriate place.

### **PERSONAL EXPLANATION**

#### **HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, because of an important event in my district, I was not present for the vote on H. Res. 923. Had I been present, I would have voted "yea."

### **EARMARK DECLARATION**

#### **HON. DANA ROHRABACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. ROHRABACHER. Madam Speaker, pursuant to the requirements of the Republican